

**AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY**



**COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, DECEMBER 1, 2015 – 6:00 PM**

RON MORRISON
Mayor

JERRY CANO
Vice Mayor

ALBERT MENDIVIL
Councilmember

MONA RIOS
Councilmember

ALEJANDRA SOTELO-SOLIS
Councilmember

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Sessions begin at 5:00 p.m. or such other time as noted. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website **www.nationalcityca.gov**.

PUBLIC COMMENTS: Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or irrelevant.

**1243 National City Blvd.
National City
619-336-4240**

**Meeting agendas and
minutes available on web**

WWW.NATIONALCITYCA.GOV

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of

the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audífonos están disponibles en el pasillo al principio de la junta.

COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS

AWARDS AND RECOGNITIONS

1. [Introduction of new employee: Gregory Rose, Property Agent. \(Housing, Grants & Asset Management\)](#)

PRESENTATIONS

2. [2016 Storm Water Calendar Presentation. \(Engineering/Public Works\)](#)
3. [National City Host Lions Club OneSight San Diego Clinic Volunteer Certification Presentation. \(Circulate San Diego\)](#)
4. [Free Resource and Energy Business Evaluation \(FREBE\) Program Update. South Bay Energy Action Collaborative \(SoBEAC\) / City of Chula Vista. **Companion Item #16 and #17**](#)

INTERVIEWS / APPOINTMENTS

CONSENT CALENDAR

5. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
6. [Approval of the Minutes of the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City of November 17, 2015. \(City Clerk\)](#)
7. [Resolution of the City Council of the City of National City ratifying the acceptance of a \\$27,267 augmentation to the California Library Literacy Services \(CLLS\) Grant, Fiscal Year 2015-16, for the National City Library's Literacy Program, increasing the total amount of the grant from \\$18,000 to](#)

- \$45,267, and authorizing the establishment of fund appropriations and a corresponding revenue budget. (Library)
8. Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with Koff & Associates in an amount not exceed \$78,890 for the completion of a comprehensive compensation study and analysis of the Citys Confidential, Executive, Management, Municipal Employees Association and Part-Time employee groups. (Human Resources)
 9. Resolution of the City Council of the City of National City: 1) accepting the work of PAL General Engineering, Inc. for the Community Corridors Improvement Project, CIP No. 12-05, 2) approving the final contract amount of \$2,858,027.18, 3) ratifying the release of retention in the amount of \$142,901.42, and 4) authorizing the Mayor to sign the Notice of Completion for the project. (Engineering/Public Works)
 10. Resolution of the City Council of the City of National City authorizing the installation of “KEEP CLEAR” pavement markings on the westbound travel lanes of W. 19th Street in front of the ingress and egress driveways servicing 1001 W. 19th Street. (Costco Optical Laboratory and Distribution Center) (TSC No. 2015-18) (Engineering/Public Works)
 11. Resolution of the City Council of the City of National City authorizing the conversion and installation of 30 feet of unrestricted curbside parking to “yellow curb”, Commercial Loading in front of 1010 W. 19th Street. (Q.E.D. Systems, Inc.) (TSC No. 2015-19) (Engineering/Public Works)
 12. Resolution of the City Council of the City of National City approving the parcel map and accepting an easement for emergency vehicle access for ingress and egress, along and across all that real property situated at 240 Norton Avenue in the City of National City. (Engineering/Public Works)
 13. Warrant Register #16 for the period of 10/14/15 through 10/20/15 in the amount of \$1,475,182.65. (Finance)
 14. Warrant Register #17 for the period of 10/21/15 through 10/27/15 in the amount of \$2,502,135.51. (Finance)

PUBLIC HEARINGS

15. Public Hearing Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way. (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP) (Planning)

ORDINANCES FOR INTRODUCTION

16. [An Ordinance of the City Council of the City of National City amending Chapter 6.04 of the National City Municipal Code by amending Section 6.04.210 to extend the Free Resource and Energy Business Evaluation \(FREBE\) program. \(Planning\) **Companion Items #4 and #17**](#)

ORDINANCES FOR ADOPTION

NON CONSENT RESOLUTIONS

17. [Resolution of the City Council of the City of National City authorizing the Mayor to execute a Memorandum of Understanding with the City of Chula Vista to provide in-kind services to implement the Free Resource and Energy Business Evaluation \(FREBE\) program. \(Planning\) **Companion Items #4 and #16**](#)
18. [Resolution of the City Council of the City of National City approving a Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way. \(Applicant: Chipotle Mexican Grill, Inc.\) \(Case File 2015-18 CUP\) \(Planning\)](#)

NEW BUSINESS

19. [Request to use Martin Luther King Jr. Community Center \(North & South Rooms\) by National City College Campus Lions Club for their 8th annual Spirit of the Holidays toy and food giveaway to needy families of National City, on Saturday, December 19, 2015. Applicant anticipates approximately 300-450 families/children will be attending this year's event. The applicant is requesting a waiver of fees. \(Engineering/Public Works\)](#)
20. [Notice of Decision Planning Commission approval of a Conditional Use Permit for alcohol sales at a proposed Hooters Restaurant to be located in Westfield Plaza Bonita. \(Applicant: Alcoholic Beverage Consulting on behalf of Hooters Restaurant\) \(Case File 2015-19 CUP\) \(Planning\)](#)
21. [Notice of Decision – Planning Commission approval of a Conditional Use Permit for a drive-through aisle as part of a new commercial building to be located at 1325 E. Plaza Blvd. \(Applicant: Russell Stout & Associates.\) \(Case File 2015-22 CUP\) \(Planning\)](#)
22. [Temporary Use Permit - Community Ice Skating Rink sponsored by the National City Chamber of Commerce at Morgan Square from December 10, 2015 to December 11, 2015 with no waiver of fees. \(Neighborhood Services\)](#)
23. [Temporary Use Permit - 6th Annual Mabuhay Festival at Kimball Park on June 11, 2016 from 10 a.m. to 4 p.m. with no waiver of fees. \(Neighborhood Services\)](#)

24. [Presentation of AB 243, discussion of the recent state adopted legislation providing for state regulation of the cultivation of marijuana \(AB 243\) unless there is a local ordinance prohibiting or regulating cultivation in effect prior to March 1, 2016, whether the City Council as a policy decision seeks to prohibit or regulate the cultivation, and seeking direction to staff regarding a potential cultivation ordinance \(regulation or prohibition\). \(Planning/City Attorney\)](#)

B. COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY

PUBLIC HEARINGS- HOUSING AUTHORITY

CONSENT RESOLUTIONS- HOUSING AUTHORITY

NON CONSENT RESOLUTIONS- HOUSING AUTHORITY

NEW BUSINESS- HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

25. [Recognition of Fiscal Year 2016 Adopted Budget Cover Photo Contest Winner: Dora Gallegos. \(Finance\)](#)
26. [Update on Improvements to National City Library, Council Chambers, and Large Conference Room. \(Engineering/Public Works\)](#)
27. [Update on interim skate park location at Las Palmas Park. \(Community Services\)](#)
28. [2015 Holiday Closure and Employee Work Furlough. \(Human Resources\)](#)

MAYOR AND CITY COUNCIL

CLOSED SESSION REPORT

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - December 15, 2015 - 6:00 p.m. - Council Chambers - National City, California

City Council and Community Development Commission - Housing Authority of the City of National City Meeting Schedule for the Period of January 5, 2016 through January 19, 2016:

January 5, 2015 - Dispense with Meeting
January 19, 2016 - Regular Meeting

The following page(s) contain the backup material for Agenda Item: Introduction of new employee: Gregory Rose, Property Agent. (Housing, Grants & Asset Management)

ITEM #
12-01-15

INTRODUCTION OF NEW EMPLOYEE:
GREGORY ROSE, PROPERTY AGENT

(HOUSNG, GRANTS AND ASSET MANAGEMENT)

The following page(s) contain the backup material for Agenda Item: 2016 Storm Water Calendar Presentation. (Engineering/Public Works)

Item ____

12/1/15

2016 STORM WATER CALENDAR PRESENTATION
(ENGINEERING/PUBLIC WORKS)

The following page(s) contain the backup material for Agenda Item: National City Host Lions Club OneSight San Diego Clinic Volunteer Certification Presentation. (Circulate San Diego)

ITEM #

12-1-15

**NATIONAL CITY HOST LIONS CLUB ONESIGHT
SAN DIEGO CLINIC VOLUNTEER CERTIFICATION
PRESENTATION**

(CIRCULATE SAN DIEGO)

The following page(s) contain the backup material for Agenda Item: Free Resource and Energy Business Evaluation (FREBE) Program Update. South Bay Energy Action Collaborative (SoBEAC) / City of Chula Vista. **Companion Item #16 and #17**

ITEM #

12-1-15

**FREE RESOURCE AND ENERGY BUSINESS
EVALUATION (FREBE) PROGRAM UPDATE. SOUTH
BAY ENERGY ACTION COLLABORATIVE (SOBEAC)
(CITY OF CHULA VISTA)**

The following page(s) contain the backup material for Agenda Item: Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. (City Clerk)

ITEM #

12-1-15

**MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE
ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING
THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR
ADOPTED AFTER A READING OF THE TITLE ONLY.**

(CITY CLERK)

The following page(s) contain the backup material for Agenda Item: Approval of the Minutes of the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City of November 17, 2015.
(City Clerk)

Item # ____

12/01/15

**APPROVAL OF THE MINUTES OF THE REGULAR
MEETING OF THE CITY COUNCIL AND COMMUNITY
DEVELOPMENT COMMISSION – HOUSING AUTHORITY
OF THE CITY OF NATIONAL CITY OF NOVEMBER 17, 2015.**

(City Clerk)

DRAFT DRAFT DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

November 17, 2015

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:05 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Mendivil, Morrison, Rios, Sotelo-Solis.

Council / Board members absent: Cano.

Administrative Officials present: Dalla, Deese, Manganiello, Parra, Raulston, Roberts, Silva, Stevenson, Tellez, Vergara, Williams, Ybarra.

Others present: City Treasurer Mitch Beauchamp and Student Representative Reah Sahagun.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Luz Molina, National City, introduced herself as a member of the Resident Leadership Academy and explained the purpose of the 10 week program is to encourage active involvement of citizens in the community.

Michael Montoya, National City, complemented the State of the City event, said he found it very entertaining and well done and encouraged a round of applause for Mayor Morrison and his secretary Josie Flores Clark.

Monica Vallejo, representing Costco in National City, inquired about the status of the traffic control measure requested on 19th Street.

AWARDS AND RECOGNITIONS

PERSONNEL NEW EMPLOYEE INTRODUCTION PROGRAM (604-2-2)

1. Introduction of new employee: Diana Ramos, Executive Assistant II. (Human Resources)

PRESENTATIONS

COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2015 (102-10-10)

2. National School District Update on Measure N – Dr. Chris Oram, Superintendent

COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2015 (102-10-10)

3. SDG&E's Electric Vehicle Grid Integration – Kevin O'Beirne, SDG&E Customer Solutions Manager

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 4 (NCCMC), Item No. 5 (Minutes), Item Nos. 6 and 7 (Resolution No. 2015-166 and 2015-167), Item Nos. 8 through 10 (Warrant Registers). Motion by Mendivil, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

MUNICIPAL CODE 2015 (506-2-30)

4. MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

ACTION: Approved. See above.

APPROVAL OF MINUTES

5. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF NOVEMBER 3, 2015. (City Clerk)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2011-56)

6. Resolution No. 2015-166. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE AGREEMENT BY AND BETWEEN THE CITY OF NATIONAL CITY AND CHANDLER ASSET MANAGEMENT, INC., EXTENDING THE AGREEMENT FOR INVESTMENT MANAGEMENT AND ADVISORY SERVICES TO NOVEMBER 15, 2016. (Finance)
ACTION: Adopted. See above.

CONTRACT (C2006-63)

7. Resolution No. 2015-167. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DOKKEN ENGINEERING, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$100,000 TO PROVIDE ENGINEERING AND CONSTRUCTION SUPPORT SERVICES FOR PLAZA BOULEVARD WIDENING PROJECT. (Engineering/Public Works)
ACTION: Adopted. See above.

WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)

8. Warrant Register #13 for the period of 09/23/15 through 09/29/15 in the amount of \$2,306,877.00. (Finance)
ACTION: Ratified. See above.

WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)

9. Warrant Register #14 for the period of 09/30/15 through 10/06/15 in the amount of \$1,616,351.05. (Finance)
ACTION: Ratified. See above.

WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)

10. Warrant Register #15 for the period of 10/07/15 through 10/13/15 in the amount of \$1,289,793.95. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARINGS

CITY WIDE HOUSING ADMIN (303-4-1)

11. Public Hearing by the City Council of the City of National City for the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in one or more series from time to time, and at no time to exceed \$35,000,000 in outstanding aggregate principal amount to finance the development of Paradise Creek Housing II (WI-TOD Phase II), a 91-unit multifamily rental housing project located at 2200 and 2020 Hoover Avenue in National City. (Housing, Grants, and Asset Management) **Companion to Item #12**

RECOMMENDATION: Conduct the Public Hearing and adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to close the Public Hearing. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

NON CONSENT RESOLUTIONS

CITY WIDE HOUSING ADMIN (303-4-1)

12. Resolution No. 2015-168. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS IN ONE OR MORE SERIES FROM TIME TO TIME, AND AT NO TIME TO EXCEED \$35,000,000 IN OUTSTANDING AGGREGATE PRINCIPAL AMOUNT TO FINANCE THE DEVELOPMENT OF PARADISE CREEK HOUSING II (WI-TOD PHASE II), A 91-UNIT MULTIFAMILY RENTAL HOUSING PROJECT LOCATED AT 2200 AND 2020 HOOVER AVENUE IN NATIONAL CITY. (Housing, Grants, and Asset Management)

Companion to Item #11

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

NON CONSENT RESOLUTIONS (cont.)

CONDITIONAL USE PERMITS 2015 (403-30-1)

13. Resolution No. 2015-169. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY LOCATED AT 205 HIGHLAND AVENUE. (Applicant: Verizon Wireless) (Case File 2015-02 CUP) (Planning)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Mendivil, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

CONTRACT (C2012-34)

14. Resolution No. 2015-170. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING AN ACTIVE TRANSPORTATION GRANT PROGRAM (ATGP) GRANT AWARD IN THE AMOUNT OF \$50,000 THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE NATIONAL CITY BICYCLE PARKING ENHANCEMENTS PROJECT; 2) AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AND 3) ESTABLISHING CORRESPONDING APPROPRIATIONS FOR THE ATGP GRANT (A GRANT MATCH OF \$10,000 IS REQUIRED). (Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Sotelo-Solis, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

NON CONSENT RESOLUTIONS (cont.)

CONTRACT (C2015-62)

15. Resolution No. 2015-171. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING A TRANSNET SMART GROWTH INCENTIVE GRANT PROGRAM (SGIP) GRANT AWARD IN THE AMOUNT OF \$2,000,000 THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE WESTSIDE MOBILITY IMPROVEMENTS PROJECT; 2) AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AND 3) ESTABLISHING CORRESPONDING APPROPRIATIONS FOR THE SGIP GRANT (A GRANT MATCH OF \$200,000 IS REQUIRED). (Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Mendivil, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

CONTRACT (C2015-63)

16. Resolution No. 2015-172. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING A TRANSNET SMART GROWTH INCENTIVE GRANT PROGRAM (SGIP) GRANT AWARD IN THE AMOUNT OF \$320,000 THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE DOWNTOWN SPECIFIC PLAN UPDATE; 2) AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AND 3) ESTABLISHING CORRESPONDING APPROPRIATIONS FOR THE SGIP GRANT (A GRANT MATCH OF \$50,000 IS REQUIRED). (Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

NON CONSENT RESOLUTIONS (cont.)

CONTRACT (C2015-64)

17. Resolution No. 2015-173. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING A TRANSNET SMART GROWTH INCENTIVE GRANT PROGRAM (SGIP) GRANT AWARD IN THE AMOUNT OF \$825,000 THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE DOWNTOWN-WESTSIDE WAYFINDING AND COMMUNITY GATEWAYS PROJECT; 2) AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AND 3) ESTABLISHING CORRESPONDING APPROPRIATIONS FOR THE SGIP GRANT (A GRANT MATCH OF \$200,000 IS REQUIRED). (Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Mendivil, seconded by Rios, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

CONTRACT (C2014-2)

18. Resolution No. 2015-174. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A TWO-YEAR AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND THE LAW FIRM OF MCDOUGAL, LOVE, ECKIS, BOEHMER & FOLEY TO PROVIDE LEGAL SERVICES THROUGH DECEMBER 31, 2017 FOR THE NOT TO EXCEED AMOUNT OF \$150,000. (City Attorney)

RECOMMENDATION: Adopt proposed Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Sotelo-Solis, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

NEW BUSINESS

TEMPORARY USE PERMITS 2015 (203-1-31)

19. Temporary Use Permit – "Christmas with Kids" hosted by Christmas with Kids at 223 E. 3rd Street on December 25, 2015 from 6 a.m. to 10:30 a.m. The applicant has requested a waiver of fees. (Neighborhood Services)

RECOMMENDATION: Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees.

TESTIMONY: Brian Trum, representing the applicant, spoke in favor and responded to questions.

ACTION: Motion by Sotelo-Solis, seconded by Mendivil, to approve the Temporary Use Permit with waiver of fees. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

CONDITIONAL USE PERMITS 2015 (403-30-1)

20. Notice of Decision Planning Commission approval of a Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way. (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP) (Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to set for Public Hearing. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY

NO AGENDA ITEMS

STAFF REPORTS

ENGINEERING DEPT – GRANTS / REPORTS ADMIN (1104-1-1) FIRE DEPT ADMIN (305-1-1)

21. Winter Storm Flood Preparedness Update. (Public Works/Engineering & Fire)

STAFF REPORTS (cont.)

- 21a. City Manager Leslie Deese spoke about the ceremonial groundbreaking event for the West Side Infill Transit Oriented Development (WI-TOD) project and acknowledged the Mayor and Council for their support and policy direction for the project and the extraordinary work and effort of countless staff members to overcome numerous obstacles to bring the project to fruition.

MAYOR AND CITY COUNCIL

City Treasurer Mitch Beauchamp expressed his concern about the future impact of sea level rise on the WI-TOD development.

Member Mendivil reported that the San Diego Dream Center is looking for a neighborhood to adopt to perform community outreach; restated his belief that businesses should take pride in the appearance and cleanliness of their property and said he attended the turkey holiday giveaway sponsored by the Police Department.

Member Sotelo-Solis said the WI-TOD event made it a beautiful day due to the efforts of a wonderful staff and community partners and congratulated the community for having the vision and promoting the project and thanked the Council for their support.

Member Rios said she also attended the turkey giveaway held at the Police Department to benefit needy families, acknowledged the efforts of staff in making WI-TOD a reality and reported that the Rotary Club was working with Sweetwater ROTC to raise funds and would be having a dinner at the American Legion on Friday night.

Mayor Morrison reported on the State of the City Address and said it was a fun and successful event for the community and acknowledged the efforts of Josie Flores Clark and other City staff including Public Works for their work setting up and cleaning up after the event. Mayor Morrison said the WI-TOD project was the culmination of a lot of work and time by many and reported that National City leads the County in affordable housing.

CLOSED SESSION REPORT

City Attorney Claudia Silva stated there was nothing to report from the Closed Session. (See attached Exhibit 'L')

ADJOURNMENT

Motion by Rios, seconded by Sotelo-Solis, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, December 1, 2015 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 8:00 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of December 1, 2015.

Mayor

City Council and Community Development Commission – Housing Authority of the City of National City Meeting Schedule for the Period of January 5, 2016 through January 19, 2016:

- January 05 – Dispense with Meeting
- January 19 – Regular Meeting

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

Main Conference Room
Civic Center
1243 National City Boulevard
National City, California

Special Meeting – Tuesday, November 17, 2015 – 4:30 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL

1. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Bayshore Transit Management, Inc., et al. v. City of National City
San Diego Superior Court Case No. 37-2014-00040243-CU-BC-CTL
2. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Jose Gabino-Santos v. City of National City
San Diego Superior Court Case No. 37-2014-00030671-CU-PO-CTL
3. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Frank Parra, Mark Roberts, and Tim Davis
Employee Organization: Fire Fighters' Association
4. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Jose Tellez, Mark Roberts, and Eddie Kreisberg
Employee Organization: Police Officers' Association

ADJOURNMENT

Next Regular Meeting of the City Council and Community Development Commission –
Housing Authority of the City of National City will be held Tuesday, November 17, 2015, 6:00
p.m., Council Chambers, Civic Center

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City ratifying the acceptance of a \$27,267 augmentation to the California Library Literacy Services (CLLS) Grant, Fiscal Year 2015-16, for the National City Library's Literacy Program, increasing the

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City ratifying the acceptance of a \$27,267 augmentation to the California Library Literacy Services (CLLS) Grant, Fiscal Year 2015-16, for the National City Library's Literacy Program, increasing the total amount of the grant from \$18,000 to \$45,267, and authorizing the establishment of fund appropriations and a corresponding revenue budget. (Library)

PREPARED BY: G. Olivares

DEPARTMENT: Library

PHONE: 470-5883

APPROVED BY: 

EXPLANATION:

On July 9, 2015, the California State Library awarded National City Library the California Library Literacy Services (CLLS) grant to support its literacy program for FY15-16. Along with the award letter, the Library received a baseline amount of \$18,000.

At this time, after having received the Library's service statistics and financial report for FY14-15, the California State Library is providing a final payment for FY15-16 in the amount of \$27,267. This final payment is based on a formula that takes into account:

- 1) the *per capita* amount per adult learner served at the Library the previous year; and
- 2) the *local match*, represented by CDBG funding, awarded by the City Council to the Library for adult literacy services during FY14-15.

FYI - For last fiscal year, the Library received a CLLS grant in the amount \$41,152, which was a baseline amount of \$15,000 and a *per capita & match* of \$26,152.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

320-418-339

320-31339-3463

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Approval recommended

BOARD / COMMISSION RECOMMENDATION:

Approved by the Library Board of Trustees on November 9, 2015.

ATTACHMENTS:

1. Copy of Original Award Letter
2. Award Letter
3. Resolution



July 9, 2015

Minh Duong, City Librarian
National City Public Library
1401 National City Boulevard
National City, CA 91950-3314

Dear Ms. Duong:

We're happy to tell you your California Library Literacy Services program will receive funding for the current fiscal year, which began July 1, 2015. It's an honor to support the important work you, your staff and volunteers do in your community.

There's three parts to the library's funding formula:

1. A *baseline* amount for each of your approved literacy program components so that each library has enough funds to provide a minimum level of local literacy staffing and services.
2. A *per capita* amount per adult learner served in the previous year; and
3. A *match* on local funds raised and expended for adult literacy services—reflecting a commitment to a continuing state/local partnership and providing an incentive for increased local support for adult literacy.

The governor recently signed the new state budget that includes an additional \$2 million in on-going spending for our library literacy programs for the fiscal year that began July 1. The governor's year-over-year commitment allows us to shore up local literacy programs around the state.

Doing that builds a solid foundation that will help eliminate our backlog of 3,000 learners eager to read and then allows us to reach out our hands to even more learners at other libraries who have wanted to participate but couldn't given the state's uncertain funding situation.

At this time, we're providing the \$18,000 baseline amount for your program. The remainder of your literacy program award will be determined and then forwarded in the fall after applying service statistics and financial data from the final report closing out the last fiscal year, which is submitted later this summer.

The payment process begins once we receive your signed Claim Form (attached); however the State of California is implementing a new Financial Information System that may cause delays in grant payments. Thanks for your patience.

Direct additional questions to: Carla Lehn at (916) 653-7743 or clehn@library.ca.gov.

Thank you again for your willingness to do so much for so many people in need.

Respectfully yours,

Greg Lucas
California State Librarian

cc: Melissa Solis, Literacy Coordinator (melissa.solis@nationalcitylibrary.org)
File

Enc.: Claim Form



Double click to fill and print or print the form below.



November 3, 2015

Minh Duong, City Librarian
National City Public Library
1401 National City Boulevard
National City, CA 91950

Dear Ms. Duong:

I'm pleased to enclose a claim form for the remainder of your California Library Literacy Services funding for the 2015-2016 fiscal year.

This **final, second payment** of your total allocation for the fiscal year that began July 1, 2015 is based on:

- A *per capita* amount per adult learner served at your library during the previous fiscal year.
- A *match* on local funds raised and expended for adult literacy services at your library during the fiscal year that ended June 30, 2015.

Earlier this year you received a baseline for your literacy program. The baseline reflects the importance of each library having enough funds to provide local literacy staffing and service.

Below is a re-cap of your total California Library Literacy Services funding for the current program year:

Baseline Adult Literacy Services:	\$18,000 (amount previously claimed)
<u>Final Payment (Per Capita & Match):</u>	<u>\$27,267 (amount to be claimed now)</u>
GRAND TOTAL FOR 2015/16:	\$45,267

Changes in your funding from last year are based on an increase or decrease in the number of adult learners you served, and/or an increase or decrease in the amount of local funds expended on adult literacy last year.

As you know, the Legislature and the governor added \$2 million in ongoing funding for our library literacy programs this year. This allowed us to boost the baseline from the usual \$10,000 to \$18,000 as well as increase the per capita and match portions of the funding formula.

We'll initiate the payment process upon receipt of your signed claim form, which is attached. This final payment will be processed after all reporting requirements from the prior fiscal year have been received, all adjustments made and unexpended monies returned.

The following specific issues or observations are being made about your final report:

We notice a relatively low number of volunteer tutors reported serving a much higher number of adult learners. We will look for an increase in the number of tutors available in next year's report.

Please mail the signed claim form to: **California State Library
Fiscal/Local Assistance
P.O. Box 942837
Sacramento, CA 94237-0001**

The attached form requires your signature and serves two purposes:

1. Certifies that your library will use the funds for the purpose intended; and
2. Requests to claim the funds and have a check sent to you

In December, you'll be asked to revise your literacy budget for the 2015-2016 fiscal year utilizing the actual total allotment from the State Library shown in this award letter. The budget that you submitted with your application earlier this year was based on projections. Your revised budget should reflect updated information and more accurate figures than you had at the time of application.

You'll be asked to report electronically after the close of the fiscal year. Library literacy services staff will provide more details on this process. If you need a copy of your most recent final report and/or application, please contact Andrea Freeland at andrea.freeland@library.ca.gov.

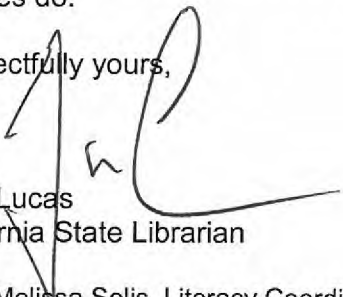
PLEASE REMEMBER THAT ALL STATE FUNDS MUST BE EXPENDED OR ENCUMBERED BY JUNE 30, 2016 OR RETURNED TO THE STATE.

Should you have additional questions regarding the new funding and/or reporting process, please contact:

Carla Lehn (916) 653-7743 or carla.lehn@library.ca.gov
Andrea Freeland (916) 651-3191 or andrea.freeland@library.ca.gov

Thanks again for your commitment to literacy. It's one of the most transformative and successful things libraries do.

Respectfully yours,



Greg Lucas
California State Librarian

cc: Melissa Solis, Literacy Coordinator (via email: melissa.solis@nationalcitylibrary.org)
Minh Duong, City Librarian (via email: minh.duong@nationalcitylibrary.org)

Enc.: Claim Form

RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
RATIFYING THE ACCEPTANCE OF A \$27,267 AUGMENTATION
TO THE CALIFORNIA LIBRARY LITERACY SERVICES GRANT,
FISCAL YEAR 2015-16, FOR THE NATIONAL CITY LIBRARY'S
LITERACY PROGRAM, INCREASING THE TOTAL GRANT AMOUNT
FROM \$18,000 TO \$45,267, AND AUTHORIZING THE ESTABLISHMENT OF
FUND APPROPRIATIONS AND A CORRESPONDING REVENUE BUDGET

WHEREAS, on July 9, 2015, the National City Library was awarded a California Library Literacy Services ("CLLS") Grant in a baseline amount of \$18,000 to fund the Library's literacy services for Fiscal Year 2016; and

WHEREAS, the California State Library has augmented the original grant by \$27,267; and

WHEREAS, the \$27,267 augmentation to the grant funds is based on a formula that takes into account the per capita amount per adult learner served and a match of local funds raised and expended for adult literacy services (CDBG) in Fiscal Year 2015; and

WHEREAS, the final payment of \$27,267, brings the total amount of the CLLS Grant awarded to the National City Library for its Literacy Program to \$45,267.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby ratifies the acceptance of a \$27,267 augmentation to the California Library Literacy Services ("CLLS") Grant for Fiscal Year 2016 for the National City Library's Literacy Program, increasing the total grant amount from \$18,000 to \$45,267.

BE IT FURTHER RESOLVED that the City Council authorizes the establishment of fund appropriations and a corresponding revenue budget for said grant funds.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with Koff & Associates in an amount not exceed \$78,890 for the completion of a comprehensive compensation study and analysis of the Citys Confidentialia

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with Koff & Associates in an amount not exceed \$78,890 for the completion of a comprehensive compensation study and analysis of the City's Confidential, Executive, Management, Municipal Employees' Association and Part-Time employee groups.

PREPARED BY: Stacey Stevenson

PHONE: 336-4308

DEPARTMENT: Human Resources

APPROVED BY:



EXPLANATION:

See attached staff report.

FINANCIAL STATEMENT:

APPROVED: Mark Ralston **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

\$35,000 from 001-417-083-213 (Human Resources, Professional Services)

\$43,890 from 001-409-000-213 (Non-Departmental, Professional Services)

Refer to the fiscal impact statement of the attached staff report for further explanation.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, is not subject to environmental review.

ORDINANCE: INTRODUCTION:

☐

FINAL ADOPTION:

☐

STAFF RECOMMENDATION:

Adopt the resolution authorizing the Mayor to execute an agreement with Koff & Associates.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Agreement
Resolution



City Council Staff Report

December 1, 2015

ITEM

Staff Report: Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with Koff & Associates in an amount not exceed \$78,890 for the completion of a comprehensive compensation study and analysis of the City's Confidential, Executive, Management, Municipal Employees' Association and Part-Time employee groups.

BACKGROUND

On June 16, 2015, the City Council of the City of National City approved a three year labor agreement between the City and the Municipal Employees' Association (MEA). Under the terms of Article 21 of the approved agreement, the City committed to conducting a total compensation survey for the purpose of determining current market placement of classifications represented by MEA and establishing compensation for such classifications for Fiscal Year 2017. In September, 2015, the City Council provided similar market study direction to the City Manager related to the Executive and Management employee groups. Records indicate that the last formal compensation study was completed fifteen years ago.

DISCUSSION

In response to the action/direction noted above, staff issued a Request for Proposals (RFP) on October 12, 2015 seeking a qualified firm to perform a comprehensive classification study. Given the extent of the operational and compensatory relationship between classifications in the MEA employee group and the Confidential and Part-Time employee groups, the scope of the RFP was expanded to include those two groups. However, there is no obligation on the part of the City to adjust compensation for said two groups based on the results of the study.

In total, the City received three responsive proposal packages. All three proposals were evaluated and all three firms were interviewed. Having completed this process, staff has issued a tentative award to Koff & Associates (Koff) at an amount not to exceed \$78,890.

Should Council authorize the Mayor to execute the agreement, staff will immediately begin to work with Koff & MEA in identifying the benchmark classifications to be used in the study (as required under the terms of Article 21). Based on the timeline established in the RFP and agreed to by Koff, the study will be completed on or before March 7, 2016.

RECOMMENDATION

Authorize the Mayor to execute an agreement between the City and Koff & Associates in an amount not exceed \$78,890 for the completion of a comprehensive compensation study and analysis of the City's Confidential, Executive, Management, Municipal Employees' Association and Part-Time employee groups.

FISCAL IMPACT

The Fiscal Year 2016 budget includes an allocation of \$35,000 in the Human Resources Department for this project. The remaining balance needed to award the agreement (\$43,890) will be taken from Non-Departmental with the authorization of the City Manager. It is anticipated that the mid-year budget package will include a request for a supplemental appropriation for the \$43,890 in order to replenish the Non-Departmental account for other unforeseen needs.

**AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
KOFF & ASSOCIATES**

THIS AGREEMENT is entered into this 1st day of December 2015, by and between the CITY OF NATIONAL CITY, a municipal corporation (the "CITY"), and Koff & Associates, a corporation (the "CONSULTANT").

RECITALS

WHEREAS, the CITY desires to employ a CONSULTANT to provide a comprehensive compensation study and analysis of CITY job classifications.

WHEREAS, the CITY has determined that the CONSULTANT is a human resources consulting firm and is qualified by experience and ability to perform the services desired by the CITY, and the CONSULTANT is willing to perform such services.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

1. **ENGAGEMENT OF CONSULTANT.** The CITY agrees to engage the CONSULTANT, and the CONSULTANT agrees to perform the services set forth here in accordance with all terms and conditions contained herein.

The CONSULTANT represents that all services shall be performed directly by the CONSULTANT or under direct supervision of the CONSULTANT.

2. **SCOPE OF SERVICES.** The CONSULTANT will perform the following services related to the CITY's Executive, Confidential, Management, Municipal Employees' Association and Part-Time employee groups:

- Review of current compensation practices and related issues;
- Recommending salary survey benchmarks in conjunction with relevant benchmark classifications in all other cities in San Diego County;
- Conducting a total compensation survey of the 18 cities comprising San Diego County

Carlsbad	Encinitas	National City	Santee
Chula Vista	Escondido	Oceanside	Solana Beach
Coronado	Imperial Beach	Poway	Vista
Del Mar	La Mesa	San Diego	
El Cajon	Lemon Grove	San Marcos	

- Completing internal salary relationship analysis including the development of appropriate internal relationship guidelines (internal equity);

- Systematically assessing each classification in relation to other San Diego County comparable classifications
- Providing a final report to include an analysis of the market placement for each National City classification (or benchmark classification). Provided data should include:
 - Base salary and total compensation for each classification, including information on the factors used in determining total compensation.
 - National City's market placement under both scenarios (base salary and total compensation)
 - The average base salary and total compensation figures for each classification
 - National City's percentage and standard deviation from the mean.
- Providing written documentation of assessment methodology and assessment for each position;
- Developing externally competitive and internally equitable salary recommendations for each job class included in the study;
- Recommending the vertical salary relationship/differentials between classes in each class series.

The CONSULTANT shall be responsible for all research and reviews related to the work and shall not rely on personnel of the CITY for such services, except as authorized in advance by the CITY. The CONSULTANT shall appear at coordination and project status meetings with staff, labor representatives, the City Manager and/or the City Council as deemed necessary. The CITY will coordinate the dates, times and locations of all such meetings with the CONSULTANT.

The CITY may unilaterally, or upon request from the CONSULTANT, from time to time reduce or increase the Scope of Services to be performed by the CONSULTANT under this Agreement. Upon doing so, the CITY and the CONSULTANT agree to meet in good faith and confer for the purpose of negotiating a corresponding reduction or increase in the compensation associated with said change in services, not to exceed a factor of 10% from the base amount.

3. **PROJECT COORDINATION AND SUPERVISION.** Stacey Stevenson, Director of Administrative Services hereby is designated as the Project Coordinator for the CITY and will monitor the progress and execution of this Agreement. The CONSULTANT shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this Agreement for the CONSULTANT. Georg S. Krammer, Chief Executive Officer thereby is designated as the Project Director for the CONSULTANT.

4. **COMPENSATION AND PAYMENT.** The compensation for the CONSULTANT shall be based on monthly billings covering actual work performed. Billings shall include labor classifications, respective rates, hours worked and also materials, if any. The total cost for all work shall not exceed the schedule given in Exhibit "A" (the Base amount) without prior written authorization from the Project Coordinator. Monthly invoices will be processed for payment and remitted within thirty (30) days from receipt of invoice, provided that work is accomplished consistent with the scope of work and CONSULTANT's proposal, Exhibit "A" as determined by the CITY.

The CONSULTANT shall maintain all books, documents, papers, employee time sheets, accounting records, and other evidence pertaining to costs incurred, and shall make such materials available at its office at all reasonable times during the term of this Agreement and for three (3) years from the date of final payment under this Agreement, for inspection by the CITY, and for furnishing of copies to the CITY, if requested.

5. **ACCEPTABILITY OF WORK.** The City shall decide any and all questions which may arise as to the quality or acceptability of the services performed and the manner of performance, the acceptable completion of this Agreement, and the amount of compensation due. In the event the CONSULTANT and the City cannot agree to the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT in this Agreement, the City or the CONSULTANT shall give to the other written notice. Within ten (10) business days, the CONSULTANT and the City shall each prepare a report which supports their position and file the same with the other party. The City shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT.

6. **EFFECTIVE DATE AND LENGTH OF AGREEMENT.** This Agreement will become effective on December 1, 2015. Completion dates or time durations for specific portions of the Project are set forth in Exhibit "A".

7. **DISPOSITION AND OWNERSHIP OF DOCUMENTS.** The Memoranda, Reports, Maps, Drawings, Plans, Specifications, and other documents prepared by the CONSULTANT for this Project, whether paper or electronic, shall become the property of the CITY for use with respect to this Project, and shall be turned over to the CITY upon completion of the Project, or any phase thereof, as contemplated by this Agreement.

Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY, and CONSULTANT thereby expressly waives and disclaims any copyright in, and the right to reproduce, all written material, drawings, plans, specifications, or other work prepared under this Agreement, except upon the CITY'S prior authorization regarding reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

The CONSULTANT agrees that the CITY may use, reuse, alter, reproduce, modify, assign, transfer, or in any other way, medium, or method utilize the CONSULTANT'S written work product for the CITY'S purposes, and the CONSULTANT expressly waives and disclaims any residual rights granted to it by Civil Code Sections 980 through 989 relating to intellectual property and artistic works.

Any modification or reuse by the CITY of documents, drawings, or specifications prepared by the CONSULTANT shall relieve the CONSULTANT from liability under Section 14, but only with respect to the effect of the modification or reuse by the CITY, or for any liability to the CITY should the documents be used by the CITY for some project other than what was expressly agreed upon within the Scope of this project, unless otherwise mutually agreed.

8. **INDEPENDENT CONTRACTOR.** Both parties hereto in the performance of this Agreement will be acting in an independent capacity and not as agents, employees, partners, or joint venturers with one another. Neither the CONSULTANT nor the CONSULTANT'S employees are employees of the CITY, and are not entitled to any of the rights, benefits, or privileges of the CITY'S employees, including but not limited to retirement, medical, unemployment, or workers' compensation insurance.

This Agreement contemplates the personal services of the CONSULTANT and the CONSULTANT'S employees, and it is recognized by the parties that a substantial inducement to the CITY for entering into this Agreement was, and is, the professional reputation and competence of the CONSULTANT and its employees. Neither this Agreement nor any interest herein may be assigned by the CONSULTANT without the prior written consent of the CITY. Nothing herein contained is intended to prevent the CONSULTANT from employing or hiring as many employees, or SUBCONSULTANTS, as the CONSULTANT may deem necessary for the proper and efficient performance of this Agreement. All agreements by CONSULTANT with its SUBCONSULTANT(S) shall require the SUBCONSULTANT(S) to adhere to the applicable terms of this Agreement.

9. **CONTROL.** Neither the CITY nor its officers, agents, or employees shall have any control over the conduct of the CONSULTANT or any of the CONSULTANT'S employees, except as herein set forth, and the CONSULTANT or the CONSULTANT'S agents, servants, or employees are not in any manner agents, servants, or employees of the CITY, it being understood that the CONSULTANT its agents, servants, and employees are as to the CITY wholly independent CONSULTANT, and that the CONSULTANT'S obligations to the CITY are solely such as are prescribed by this Agreement.

10. **COMPLIANCE WITH APPLICABLE LAW.** The CONSULTANT, in the performance of the services to be provided herein, shall comply with all applicable state and federal statutes and regulations, and all applicable ordinances, rules, and regulations of the City of National City, whether now in force or subsequently enacted. The CONSULTANT and each of its SUBCONSULTANT(S), shall obtain and maintain a current City of National City business license prior to and during performance of any work pursuant to this Agreement.

11. **LICENSES, PERMITS, ETC.** The CONSULTANT represents and covenants that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. The CONSULTANT represents and covenants that the CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for the CONSULTANT to practice its profession.

12. **STANDARD OF CARE.**

A. The CONSULTANT, in performing any services under this Agreement, shall perform in a manner consistent with that level of care and skill ordinarily exercised by members of the CONSULTANT'S trade or profession currently practicing under similar conditions and in similar locations. The CONSULTANT shall take all special precautions

necessary to protect the CONSULTANT'S employees and members of the public from risk of harm arising out of the nature of the work and/or the conditions of the work site.

B. Unless disclosed in writing prior to the date of this Agreement, the CONSULTANT warrants to the CITY that it is not now, nor has it for the five (5) years preceding, been debarred by a governmental agency or involved in debarment, arbitration or litigation proceedings concerning the CONSULTANT'S professional performance or the furnishing of materials or services relating thereto.

C. The CONSULTANT is responsible for identifying any unique products, treatments, processes or materials whose availability is critical to the success of the project the CONSULTANT has been retained to perform, within the time requirements of the CITY, or, when no time is specified, then within a commercially reasonable time. Accordingly, unless the CONSULTANT has notified the CITY otherwise, the CONSULTANT warrants that all products, materials, processes or treatments identified in the project documents prepared for the CITY are reasonably commercially available. Any failure by the CONSULTANT to use due diligence under this sub-paragraph will render the CONSULTANT liable to the CITY for any increased costs that result from the CITY'S later inability to obtain the specified items or any reasonable substitute within a price range that allows for project completion in the time frame specified or, when not specified, then within a commercially reasonable time.

13. **NON-DISCRIMINATION PROVISIONS.** The CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The CONSULTANT will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

14. **CONFIDENTIAL INFORMATION.** The CITY may from time to time communicate to the CONSULTANT certain confidential information to enable the CONSULTANT to effectively perform the services to be provided herein. The CONSULTANT shall treat all such information as confidential and shall not disclose any part thereof without the prior written consent of the CITY. The CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services to be provided herein. The foregoing obligation of this Section 14, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information; (ii) is, through no fault of the CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is already in the possession of the CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to the CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

The CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this Agreement without the prior written consent of the CITY. In its performance hereunder, the CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

CONSULTANT shall be liable to CITY for any damages caused by breach of this condition, pursuant to the provisions of Section 14.

15. **INDEMNIFICATION AND HOLD HARMLESS.** The CONSULTANT agrees to defend, indemnify and hold harmless the City of National City, its officers and employees, against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suites, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of the CONSULTANT'S performance or other obligations under this Agreement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the City, its agents, officers, or employees. The indemnity, defense, and hold harmless obligations contained herein shall survive the termination of this Agreement for any alleged or actual omission, act, or negligence under this Agreement that occurred during the term of this Agreement.

16. **WORKERS' COMPENSATION.** The CONSULTANT shall comply with all of the provisions of the Workers' Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Division 4 and 5 of the California Government Code and all amendments thereto; and all similar State or federal acts or laws applicable; and shall indemnify, and hold harmless the CITY and its officers, and employees from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description, including reasonable attorney's fees and defense costs presented, brought or recovered against the CITY or its officers, employees, or volunteers, for or on account of any liability under any of said acts which may be incurred by reason of any work to be performed by the CONSULTANT under this Agreement.

17. **INSURANCE.** The CONSULTANT, at its sole cost and expense, shall purchase and maintain, and shall require its SUBCONSULTANT(S), when applicable, to purchase and maintain throughout the term of this Agreement, the following checked insurance policies:

A. ☐ If checked, **Professional Liability Insurance** (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. **Automobile Insurance** covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles ("any auto"). The policy shall name the CITY and its officers, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided.

C. **Commercial General Liability Insurance**, with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, covering all bodily injury and property

damage arising out of its operations under this Agreement. The policy shall name the CITY and its officers, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to this "project" or "location".

D. **Workers' Compensation Insurance** in an amount sufficient to meet statutory requirements covering all of CONSULTANT'S employees and employers' liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the City. Said endorsement shall be provided prior to commencement of work under this Agreement.

If CONSULTANT has no employees subject to the California Workers' Compensation and Labor laws, CONSULTANT shall execute a Declaration to that effect. Said Declaration shall be provided to CONSULTANT by CITY.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY of cancellation or material change.

F. If required insurance coverage is provided on a "claims made" rather than "occurrence" form, the CONSULTANT shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement. In addition, the "retro" date must be on or before the date of this Agreement.

G. Insurance shall be written with only California admitted companies that hold a current policy holder's alphabetic and financial size category rating of not less than A VIII according to the current Best's Key Rating Guide, or a company equal financial stability that is approved by the CITY'S Risk Manager. In the event coverage is provided by non-admitted "surplus lines" carriers, they must be included on the most recent California List of Eligible Surplus Lines Insurers (LESLI list) and otherwise meet rating requirements.

H. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY'S Risk Manager. If the CONSULTANT does not keep all of such insurance policies in full force and effect at all times during the terms of this Agreement, the CITY may elect to treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

I. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY.

18. **LEGAL FEES.** If any party brings a suit or action against the other party arising from any breach of any of the covenants or agreements or any inaccuracies in any of the representations and warranties on the part of the other party arising out of this Agreement, then in that event, the prevailing party in such action or dispute, whether by final judgment or out-of-court settlement, shall be entitled to have and recover of and from the other party all costs and expenses of suit, including attorneys' fees.

For purposes of determining who is to be considered the prevailing party, it is stipulated that attorney's fees incurred in the prosecution or defense of the action or suit shall not be considered in determining the amount of the judgment or award. Attorney's fees to the prevailing party if other than the CITY shall, in addition, be limited to the amount of attorney's

fees incurred by the CITY in its prosecution or defense of the action, irrespective of the actual amount of attorney's fees incurred by the prevailing party.

19. **MEDIATION/ARBITRATION.** If a dispute arises out of or relates to this Agreement, or the breach thereof, the parties agree first to try, in good faith, to settle the dispute by mediation in San Diego, California, in accordance with the Commercial Mediation Rules of the American Arbitration Association (the "AAA") before resorting to arbitration. The costs of mediation shall be borne equally by the parties. Any controversy or claim arising out of, or relating to, this Agreement, or breach thereof, which is not resolved by mediation shall be settled by arbitration in San Diego, California, in accordance with the Commercial Arbitration Rules of the AAA then existing. Any award rendered shall be final and conclusive upon the parties, and a judgment thereon may be entered in any court having jurisdiction over the subject matter of the controversy. The expenses of the arbitration shall be borne equally by the parties to the arbitration, provided that each party shall pay for and bear the costs of its own experts, evidence and attorneys' fees, except that the arbitrator may assess such expenses or any part thereof against a specified party as part of the arbitration award.

20. **TERMINATION.**

A. This Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon 60-day's written notice to the CONSULTANT. During said 60-day period the CONSULTANT shall perform all services in accordance with this Agreement.

B. This Agreement may also be terminated immediately by the CITY for cause in the event of a material breach of this Agreement, misrepresentation by the CONSULTANT in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by the CITY.

C. Termination with or without cause shall be effected by delivery of written Notice of Termination to the CONSULTANT as provided for herein.

D. In the event of termination, all finished or unfinished Memoranda Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONSULTANT, whether paper or electronic, shall immediately become the property of and be delivered to the CITY, and the CONSULTANT shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents and other materials up to the effective date of the Notice of Termination, not to exceed the amounts payable hereunder, and less any damages caused the CITY by the CONSULTANT'S breach, if any. Thereafter, ownership of said written material shall vest in the CITY all rights set forth in Section 7.

E. The CITY further reserves the right to immediately terminate this Agreement upon: (1) the filing of a petition in bankruptcy affecting the CONSULTANT; (2) a reorganization of the CONSULTANT for the benefit of creditors; or (3) a business reorganization, change in business name or change in business status of the CONSULTANT.

21. **NOTICES.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered; or sent by overnight mail (Federal Express or the like); or sent by registered or certified mail, postage prepaid, return receipt requested; or sent by ordinary mail, postage prepaid; or telegraphed or cabled; or delivered or sent by telex, telecopy, facsimile or fax; and shall be deemed received upon the earlier of (i) if personally

delivered, the date of delivery to the address of the person to receive such notice, (ii) if sent by overnight mail, the business day following its deposit in such overnight mail facility, (iii) if mailed by registered, certified or ordinary mail, five (5) days (ten (10) days if the address is outside the State of California) after the date of deposit in a post office, mailbox, mail chute, or other like facility regularly maintained by the United States Postal Service, (iv) if given by telegraph or cable, when delivered to the telegraph company with charges prepaid, or (v) if given by telex, telecopy, facsimile or fax, when sent. Any notice, request, demand, direction or other communication delivered or sent as specified above shall be directed to the following persons:

To CITY: Stacey Stevenson
Director of Administrative Services
City of National City
1243 National City Boulevard
National City, CA 91950-4301

To CONSULTANT:
Georg S. Krammer
Chief Executive Officer
Koff & Associates
2835 Seventh Street
Berkeley, CA 94710

Notice of change of address shall be given by written notice in the manner specified in this Section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent. Any notice, request, demand, direction or other communication sent by cable, telex, telecopy, facsimile or fax must be confirmed within forty-eight (48) hours by letter mailed or delivered as specified in this Section.

22. CONFLICT OF INTEREST AND POLITICAL REFORM ACT
OBLIGATIONS. During the term of this Agreement, the CONSULTANT shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the City of National City. The CONSULTANT also agrees not to specify any product, treatment, process or material for the project in which the CONSULTANT has a material financial interest, either direct or indirect, without first notifying the CITY of that fact. The CONSULTANT shall at all times comply with the terms of the Political Reform Act and the National City Conflict of Interest Code. The CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. The CONSULTANT represents that it has no knowledge of any financial interests that would require it to disqualify itself from any matter on which it might perform services for the CITY.

☐ If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and the National City Conflict of Interest Code. Specifically, the CONSULTANT shall file a Statement of Economic Interests with the City

Clerk of the City of National City in a timely manner on forms which the CONSULTANT shall obtain from the City Clerk.

The CONSULTANT shall be strictly liable to the CITY for all damages, costs or expenses the CITY may suffer by virtue of any violation of this Paragraph 22 by the CONSULTANT.

23. **PREVAILING WAGES.** State prevailing wage rates may apply to work performed under this Agreement. State prevailing wages rates apply to all public works contracts as set forth in California Labor Code, including but not limited to, Sections 1720, 1720.2, 1720.3, 1720.4, and 1771. Consultant is solely responsible to determine if State prevailing wage rates apply and, if applicable, pay such rates in accordance with all laws, ordinances, rules, and regulations.

24. **MISCELLANEOUS PROVISIONS.**

A. *Computation of Time Periods.* If any date or time period provided for in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. Pacific Time of the next day which is not a Saturday, Sunday or federal, state, or legal holiday.

B. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

C. *Captions.* Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. *No Obligations to Third Parties.* Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

E. *Exhibits and Schedules.* The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes.

F. *Amendment to this Agreement.* The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

G. *Waiver.* The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

H. *Applicable Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of California.

I. *Audit.* If this Agreement exceeds ten-thousand dollars (\$10,000), the parties shall be subject to the examination and audit of the State Auditor for a period of three (3) years after final payment under the Agreement, per Government Code Section 8546.7.

J. *Entire Agreement.* This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

K. *Successors and Assigns.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

L. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, (iii) each such party has consulted with or has had the opportunity to consult with its own, independent counsel and such other professional advisors as such party has deemed appropriate, relative to any and all matters contemplated under this Agreement, (iv) each party and such party's counsel and advisors have reviewed this Agreement, (v) each party has agreed to enter into this Agreement following such review and the rendering of such advice, and (vi) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

KOFF & ASSOCIATES

By: _____
(Name)
Georg S. Krammer
(Print)
CEO
(Title)

By: _____
(Name)
Catherine B. Kaneko
(Print)
President
(Title)



November 16, 2015

Comprehensive Compensation Study & Analysis Proposal

City of National City, California

Koff & Associates

GEORG S. KRAMMER
Chief Executive Officer

2835 Seventh Street
Berkeley, CA 94710
www.KoffAssociates.com

gkrammer@koffassociates.com
Tel: 510.658.5633
Fax: 510.652.5633

November 16, 2015

Ms. Stacey Stevenson
Director of Administrative Services
City of National City
140 East 12th St., Suite A
National City, CA 91950

Dear Ms. Stevenson:

Thank you for the opportunity to respond to your Request for Proposal for a Comprehensive Compensation Study and Analysis for the employees of the City of National City ("City"). We are most interested in assisting the City with this important study and feel that we are uniquely qualified to provide value to your organization based on our experience working with a wide variety of other cities, counties, special districts, Joint Power Authorities, and other public agencies throughout California.

Koff & Associates is an experienced Human Resources consulting firm that has been providing compensation consulting services to cities, counties, special districts, courts, educational institutions, and other public agencies for thirty-one years. The firm is a woman-owned California small business corporation and has achieved a reputation for working successfully with management, employees, union representatives, and governing bodies. We believe in a high level of dialogue and input from study stakeholders and our proposal speaks to that level of effort. That extra effort has resulted in close to 100% implementation of all of our compensation and classification studies.

As Chief Executive Officer of the firm, I will assume the role of Project Director and be responsible for the successful completion of this project. My email is gkrammer@koffassociates.com and I can be reached at our Berkeley office at the address and phone number listed below and on the cover page.

Our proposal is a firm offer to enter into a contract to perform work related to the RFP for a period of 90 days from the due date of proposals; there are no conflicts of interest, actual or apparent, that would limit our ability to provide the requested services.

Please call if you have any questions or wish additional information. We look forward to the opportunity to provide professional service to City of National City in this important endeavor.

Sincerely,



Georg S. Krammer
Chief Executive Officer



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OVERVIEW AND SUMMARY

Understanding of the Project and Its Purpose

The City of National City ("City") desires human resources consulting assistance to conduct an objective Comprehensive Compensation Study and Analysis using eighteen (18) cities comprising San Diego County as comparator agencies, for one hundred twenty-five (125) of its one hundred fifty-nine (159) total classifications. The City is seeking to bring all its classifications to market average; more specifically, the City is seeking to evaluate the internal relationships and organizational structure to develop a new compensation structure for four (4) of its employee groups.

The four (4) employee groups are:

1. General Municipal;
2. Executive and Management;
3. Confidential Employees; and
4. Part-time Employees.

The study's purpose is to review the City's compensation structure for all studied classifications and to conduct a compensation market survey (salaries and benefits) using a set of appropriate comparator agencies. The identification of comparator agencies, benchmark classifications, and benefits to be collected is an iterative process that includes all stakeholders. We have found this open discussion philosophy to be critical to our success for organizational buy-in. Once the external data development is completed, we will make specific recommendations for internal equity for non-benchmarked positions and positions without a large enough market sampling. The City's approved comparator list currently consists of eighteen (18) agencies, which includes San Diego County cities with comparable positions. The RFP indicates the City's defined labor market includes the following comparator agencies within San Diego County:

- | | |
|--------------------|-----------------------|
| 1. Carlsbad; | 10. Lemon Grove; |
| 2. Chula Vista; | 11. National City; |
| 3. Coronado; | 12. Oceanside; |
| 4. Delmar; | 13. Poway; |
| 5. El Cajon; | 14. San Diego; |
| 6. Encinitas; | 15. San Marcos; |
| 7. Escondido; | 16. Santee; |
| 8. Imperial Beach; | 17. Solana Beach; and |
| 9. La Mesa; | 18. Vista. |

The compensation study will contain specific recommendations regarding the integration of all study classifications into a clear compensation structure, with the goal of developing a clearly designed, internally equitable format that is flexible for career opportunity and future growth. Our study will make recommendations regarding: [1] a salary structure that takes the City's compensation preferences into consideration, and, [2] the appropriate placement of each classification on that structure.



Comprehensive Compensation Study and Analysis Proposal

City of National City

We will work with the City to determine the benefit detail it would like us to gather and report.

The study includes a significant number of meetings with the Study Project Team, City management, employees, and employee representation, as desired. We have expertise in labor/management relations and understand the importance of active participation by all stakeholders to ensure a successful outcome. The meetings and “stakeholder touch-points” that we recommend ensure understanding of the project parameters, enhance accurate intake and output of information, and encourage a collaborative and interactive approach that will result in greater buy-in for study recommendations. This interactive approach, although time-consuming, has resulted in almost 100% implementation success of K&A’s studies.

The meetings and “stakeholder touch-points” that we recommend ensure understanding of the project parameters, enhance accurate intake and output of information, and improve a collaborative and interactive approach that will result in greater buy-in for study recommendations. This interactive approach, although time-consuming, has resulted in almost 100% implementation success of K&A’s studies.

Summary of Proposed Approach

Compensation Study Approach and Objectives:

- To make recommendations regarding a list of appropriate comparator agencies, benchmark classifications, and benefits to be collected;
- To collect accurate salary and benefit data from the approved group of comparator agencies and to ensure that the information is analyzed in a manner that is clear and comprehensible to Human Resources, management, the Study Project Team, and employees;
- To carefully analyze the scope and level of duties and responsibilities, requirements for successful work performance, and other factors for survey classes according to generally accepted compensation practices;
- To review the City’s compensation structure and practices and develop compensation recommendations that will assist the City to recruit, motivate, and retain competent staff;
- To develop solutions to address pay equity issues, analyze the financial impact of addressing pay equity issues, and create a market adjustment implementation strategy supporting the organization’s goals, objectives, and budget considerations;
- To evaluate benefit offerings in the labor market and make recommendations for better alignment and/or different benefit offerings as indicated by the analysis and best practices;
- To create an inclusive final report summarizing the administrative and process methodologies, analytical tools, findings, and recommended compensation structure;
- To recommend appropriate internal salary relationships and allocate classes to salary ranges in a comprehensive salary range plan; and
- To ensure sufficient documentation and training throughout the study so that our recommendations can be implemented and maintained in a competent and fair manner.



Comprehensive Compensation Study and Analysis Proposal

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Overall Study Approach and Objectives:

- To review and understand all current documentation, rules, regulations, policies, procedures, budgets, organizational charts, memoranda of understanding, personnel policies, wage and salary schedules, and related information so that our findings and recommendations can be operationally incorporated with a minimum of disruption;
- To conduct start-up Study Project Team meetings with management, study project staff, and other stakeholders to gain a full understanding of areas of concern, past practices, future goals, etc. with respect to the development of compensation reports and recommendations; finalize study plans and timetables; conduct orientation sessions with study stakeholders in order to educate and explain the scope of the study and describe what are and are not reasonable study expectations and goals;
- To develop a compensation structure that meets all legal requirements, is totally non-discriminatory, and easily accommodates organizational change and growth;
- To work collaboratively and effectively with the City and its stakeholders while at the same time maintaining control and objectivity in the conduct of the study;
- To document all steps in the process and provide documentation for management and other staff, as appropriate, in compensation analysis methodologies so that the City can integrate, maintain, administer, and defend any recommended changes after the initial implementation; and
- To provide effective ongoing communications throughout the duration of the project and continued support after implementation.

WORK PLAN

This section of the proposal identifies the actual scope of work. We believe that our detailed explanation of methodology and work tasks clearly distinguishes our approach and comprehensiveness.

Task A. Initial documentation review/meetings with study project team and management staff

This phase includes identifying the City's Study Project Team, contract administrator, and reporting relationships. Our team will conduct an orientation and briefing session with the Study Project Team to explain process and methodology; create the specific work plan and work schedule; identify subsequent tasks to be accomplished; reaffirm the primary objectives and specific end products; determine deadline dates for satisfactory completion of the overall assignment; determine who will be responsible for coordinating/scheduling communications with employees, City management, and employee representation; and develop a timetable for conducting the same.

Included in this task will be the gathering of written documentation and assembling current organizational charts, salary schedules, budgets, memoranda of understanding, personnel policies, and other relevant documentation to gain a detailed understanding of City compensation and benefit policies and practices.

City terminology and methods of current compensation procedures will be reviewed and agreed to. We will discuss methodology and agree to a report format and identify the desired list of benefit data to be surveyed for compensation survey purposes. We will respond to questions.



Task B. Confirm comparator agencies and identify benchmark classifications and benefits to be collected

During the initial meeting with the Study Project Team, we will discuss the compensation study factors that need to be agreed upon. We will confirm the selected comparator agencies that will be included in the external market survey, which will be the foundation of ensuring that the City's salaries for the studied classifications are competitively aligned with the external labor market (and that the City's organizational structure and operations follow industry best practices). We will also identify those classifications that will be surveyed in the market (i.e., benchmark classifications), with the intention of internally aligning the remaining classifications with those that were surveyed. Finally, we will determine the list of benefits that the City wants to be included in the total compensation data gathering process.

1. **Confirmation of Comparator Agencies:** The selection of comparator agencies is considered a critical step in the Salary Survey process. We understand that the City is interested in having all eighteen (18) San Diego County cities surveyed, as stated above.
2. **Determination of Benchmark Classifications:** In the same collaborative manner as in Step 1 above, we will work with the City's stakeholders to select those classifications that will be surveyed.

"Benchmark classes" are normally chosen to reflect a broad spectrum of class levels. In addition, those that are selected normally include classes that are most likely to be found in other similar agencies, and therefore provide a sufficient valid sample for analysis. Internal relationships will be determined between the benchmarked and non-benchmarked classifications and internal equity alignments will be made for salary recommendation purposes.

Because we find that the labor market typically yields reliable data, we typically recommend using 60%-65% of classifications as benchmarks. It is our understanding that approximately 125 classifications will be part of the study. Based on a review of the City's list of classifications, we are not certain if all 125 will need to be surveyed. Our cost proposal contains different options based on different numbers of benchmark classifications for purposes of cost comparison.

3. Determination of Salary and Benefits Data to Be Collected

In addition to base salaries, benefit data elements for a total compensation study normally include at least the following, which are generally available to all staff in a specific job classification. Again, we recommend a dialogue with the various stakeholders to come to an agreement as to which total compensation components should be gathered and how to present that data as a point of comparison between the City and the labor market. Shown below are descriptions of those benefits that we normally collect (which can be modified to include any other information the City desires):

- **Monthly Salary** – The top of the normal, published salary range. All figures are presented on a monthly basis. We normalize the salary data to reflect working hours and/or "spiking" of retirement or other benefits.
- **Employee Retirement** – This includes two figures: [1] the amount of the employee's State or other public or private retirement contribution that is contributed by the City, and [2] the amount



Comprehensive Compensation Study and Analysis Proposal

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of the City's Social Security contribution. With healthcare cost rising and retiree healthcare and liabilities increasing for many public agencies, we typically collect retiree health information as well. However, we do not roll this cost into our total compensation analysis but report it separately by describing what the policies/liabilities are.

- **Insurance** – This typically includes Health, Dental, Vision, Life, Long-Term Disability, Short-Term Disability, Employee Assistance Program (EAP), and other insurance coverage.
- **Leave** – Other than sick leave, which is usage-based, leave is the amount of days off for which the organization is obligated. All days will be translated into direct salary costs.
 - **Vacation** – The number of vacation days available to all employees after five (5) years of employment.
 - **Holidays** – The number of holidays (including floating) available to the employee on an annual basis.
 - **Administrative/Personal Leave** – Administrative leave is normally the number of days available to management staff to compensate for the lack of payment for overtime. Personal leave may be available to other groups of employees to augment vacation or other time off.
- **Deferred Compensation** – This is any deferred compensation provided to all members of a classification, either as an employer matching contribution or as a straight dollar or percentage contribution.
- **Other** – This category includes any other benefits that are available to all employees within a classification and not already specifically detailed. We will gather up to five (5) additional benefit components that the City may be interested in, such as educational/certification/license incentives, tuition reimbursement, etc.

Task C. Data collection

Our firm does not collect market compensation data by merely sending out a written questionnaire. We find that such questionnaires are often delegated to the individual in the department with the least experience in the organization and given a low priority. We conduct all of the data collection and analysis ourselves to ensure validity of the data and quality control. This approach also ensures that we compare job description to job description and not just job titles, therefore ensuring true “matches” of at least 70%, which is the percentage we use to determine whether to include a comparator classification or not.

Our job analysis method is the “whole position analysis” approach. Objective factors in the whole position classification methodology include:

1. Education, Training, and Certifications/Licenses
2. Experience
3. Problem Solving/Ingenuity
4. Attention/Stress (Concentration/Time Pressure and Interruptions)
5. Independence of Action/Responsibility
6. Contacts with Others/Internal/External
7. Supervision Received and/or Given to Others
8. Consequences of Action/Decisions Made on the Job
9. Working Conditions
10. Physical/Mental Demands



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Our analysis will include written documentation of our assessment methodology and assessment for each position surveyed.

We typically collect classification descriptions, organization charts, salary schedules, personnel policies, MOUs, and other information via website, by telephone, or by an onsite interview. With the prior knowledge from the data gathered directly from each comparator agency and our experience in the public sector human resources field, our professional staff makes preliminary “matches” and then schedules appointments by telephone, and sometimes in person, with knowledgeable individuals to answer specific questions. We find that the information collected using these methods has a very high validity rate and is generally substantiated by employees, management, as well as governing bodies.

In terms of record keeping, we will create electronic file folders for each comparator agency that we survey, including all documentation listed above, so that we have all of the source documentation to support the data and findings of the study.

Task D. Analysis and preliminary data review

Data will be entered into spreadsheet format designed for ease of interpretation and use. The information will be presented in a format that will identify the comparator positions used for each classification comparison. Information will be calculated based upon both average and median figures allowing the City to make informed compensation decisions. We understand that the City’s focus is on the statistical mean/average and we will discuss with the City as to whether the median should be shown in our reports or not. Other elements of the compensation survey report are agencies surveyed; comparable class titles; salary range maximum/control point; number of observations; and percent of the City’s salary range is above/below the market values.

In addition, we can include any type of statistical representation and analysis that the City may desire such as 60th, 70th, or any other percentiles.

Benefits data will be displayed in an easy-to-read format. You will receive three sets of spreadsheets per classification, one with base pay, one with the benefits detail, and one with total compensation statistical data. In addition, we are often asked to collect “other” benefits (as listed in the benefits section above), which we typically report on a separate spreadsheet.

Task E. Draft compensation findings/additional analysis/study project team meetings

We distribute our draft findings to City management in a comparative report including the spreadsheets described above in Task D.

After their preliminary review, K&A will meet with City management, and other stakeholders as desired, to clarify data, to receive requests for reanalysis of certain comparators, and to answer questions and address concerns. This provides an opportunity for the Study Project Team and other stakeholders to review and question any of our data. If questions arise, we conduct follow-up analysis to reconfirm our original analysis and/or make corrections as appropriate.



Comprehensive Compensation Study and Analysis Proposal

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Task F. Internal relationship analysis and internal alignment

To determine internal equity for all studied positions, considerable attention will be given to this phase of the project. It is necessary to develop an internal position hierarchy based on the organizational value of each classification. Again, we utilize the whole position analysis methodology as described above.

By reviewing those factors, we will make recommendations regarding vertical salary differentials between classes in a class series (if recommended), as well as across departments. This analysis will be integrated with the results of the compensation survey.

The ultimate goal of this critical step of the process is to address any potential internal equity issues and concerns with the current compensation system, including compaction issues between certain classifications. We will create a sound and logical compensation structure for the various levels within each class series, so that career ladders are not only reflected in the classification system but also in the compensation system, with pay differentials between levels that allow employees to progress on a clear path of career growth and development. Career ladders will be looked at vertically as well as horizontally to reflect the existing classification structure.

Task G. Compensation structure and implementation plan development

Depending on data developed as a result of the internal analysis, we will review and make recommendations regarding internal alignment and the salary structure within which the classes are allocated (set of salary ranges, salary differentials, steps within ranges, and/or alternative compensation plans), based upon the City's preferred compensation model. We will develop recommendations for pay grades and salary ranges for all classifications based on median and/or mean salaries from the comparable agencies.

We will conduct a competitive pay analysis using the market data gathered to assist in the determination of external pay equity and the recommendation of a new base compensation structure. We will conduct a comparative analysis to illustrate the relationships between current pay practices and the newly determined market conditions and develop solutions to address pay equity issues, analyze the financial impact of addressing pay equity issues, and create a market adjustment implementation strategy supporting the City's goals, objectives, and budget considerations. We will develop recommendations covering special compensation issues such as salaries above the maximum; seniority; promotions; maintenance of the salary schedules; etc.

Finally, we will evaluate benefit offerings in the labor market and make recommendations for better alignment and/or different benefit offerings as indicated by the analysis and best practices.

Draft recommendations will be discussed with the Study Project Team and management prior to developing an Interim Report.

Task H. Preparation of draft final and final report and deliverables

A Draft Interim Report of the Compensation Study will be completed and submitted to the Study Project Team for review and comment. The report will provide detailed compensation findings, documentation,



Comprehensive Compensation Study and Analysis Proposal

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and recommendations. The report will include a set of all market data spreadsheets; a proposed Salary Range document; a policy and procedure to address employees whose base pay exceeds the maximum of their newly assigned pay range; a manual of instructions regarding the administration of the proposed compensation system; discussion of how the compensation program impacts employee recruitment and retention efforts; implementation issues and cost projections surrounding our recommendations; and a guide for rules, policies and procedures for the City in implementing, managing and maintaining the compensation system.

Once all of the City's questions/concerns are addressed and discussed, a Final Compensation Report will be created and submitted in bound format. The Final Report will incorporate any appropriate revisions identified and submitted during the review of the draft report.

Task I. Participation in a formal appeal process

Should the City have a formal appeal process regarding the allocation of positions to classifications and of classifications to salary ranges, this proposal does not cover time regarding a formal appeal process. Should our on-site participation be desired, our stated composite hourly rate will be honored. As mentioned above, however, our internal process usually addresses any appeal issues.

Task J. Final presentation

Our proposal includes multiple meetings and weekly oral and written status/progress updates to the Study Project Team. Regarding the involvement of the City Council, we recommend at least one initial meeting to confirm the comparator agencies to be included in the study, one interim study session (to discuss the initial findings of the compensation study), and one final presentation of our Final Report. Of course, we are flexible and can readily have more or less interaction with the City Council, based on the City's preferences.

Deliverables

- A detailed summary of compensation and benefits findings in spreadsheet format with recommendations for an overall compensation plan;
- Internal relationships and market compensation data will be outlined for each class so that future equity relationships between classes can be continued;
- Implementation recommendations for achieving compensation goals within a reasonable timeframe and the economic and political limitations of the City, including practical implementation alternatives for the installation of the updated compensation approaches, salary cost projects, timing options, and other transitional plans; and
- Provision of recommended implementation and maintenance of the updated compensation plan.

Expectations of City Support

In order to conduct this Salary Survey in the most timely and cost-effective manner, we ask for support in the following areas:



- Timely provision of written documentation, such as current class specifications, union contracts, organizational charts, budget documents, requests for audits, past salary studies, etc.;
- Assistance in scheduling study project team, bargaining unit, management, employee, and other meetings; and
- Meeting agreed-to timelines.

In terms of time commitment for City staff, it is our expectation that the City would hire an outside consultant to conduct the entire effort. It is our goal to reduce the time commitment of City staff as much as possible and to only request assistance in the coordination of some of the steps in the process, such as scheduling meetings, disseminating information, and in general, serving as a channel of communication between our firm and the organization.

Communication with the City

Our typical communication model includes at least weekly or biweekly written status updates to keep the City informed on where we are at every phase of the project. We have found that most communication can be managed through emails and teleconferences by phone.

In addition, the study includes a significant number of meetings with the Study Project Team, human resources, management, employees, employee representation, and City Council, as desired. The meetings and “stakeholder touchpoints” that we recommend ensure understanding of the project parameters, enhance accurate intake and output of information, and improve a collaborative and interactive approach that will result in greater buy-in for study recommendations. This interactive approach, although time-consuming, has resulted in almost 100% implementation success of K&A’s studies.

Stakeholder Touchpoints

We believe in an interactive and collaborative process with the whole organization and in a high level of stakeholder contact and interaction to ensure organizational buy-in of the study throughout the entire process. The following are the major milestones at which we touch base with human resources, employees, employee representation, managers, and other stakeholders, as appropriate:

- Initial study kick-off and Study Project Team briefings;
- Stakeholder input regarding a list of appropriate comparator agencies;
- City/stakeholder review of compensation study data and contact with stakeholders to address any challenges to the market comparables we identified for each classification;
- Stakeholder input on internal salary relationship analysis and recommendations; and
- Stakeholder input regarding final compensation plans and structure recommendations.

These steps will ensure that the Salary Survey results in a product that is accepted and trusted by all levels within the organization. Beyond sound mechanics, our approach includes sufficient communication steps to ensure that the study methodology is understood and the results are regarded as expert, impartial, and fair.



Post-Implementation Consultation and Support

We are committed to providing the City with the highest-quality product and service. Providing ongoing consultation and support after study implementation is a service that is included in our professional fees and a continued relationship-building aspect of our client relationship that we highly value.

We often find that clients will call or email with follow-up questions or to discuss certain aspects of the study, or ask why decisions and recommendations were made, and other important components of the study. We consider post-implementation support as part of our customer service.

Should the City request any additional onsite meetings and/or training after implementation of the study and/or other specific, identifiable work efforts, we would honor our composite hourly rate for actual hours spent at the City. However, from experience, we expect that most follow-up support will be conducted via telephone and email and this is absolutely included in our total lump sum fee for this project.

K&A's Distinguishing Characteristics & Managing of Resources

Koff & Associates has developed our collaborative, transparent, and inclusive methodology over the course of more than thirty years to ensure optimal outcomes and success rates with all of our projects, particularly when various stakeholders with potentially divergent or conflicting priorities are involved. Our consensus-driven approach has always avoided formal appeals at the end of our studies, ensuring that clients are not left with a divided organization or negatively affected employee morale.

Our number one priority is meeting the City's needs and requirements. Having conducted hundreds of compensation studies over the course of our history, our firm has developed project management skills that control costs, ensure on-time delivery of end products, maintain close management of project staff, as well as effective crisis management if unexpected issues and concerns arise throughout the project.

In terms of our quality assurance and control, we have trained each one of our team members to submit their project deliverables to the Project Manager (in this case, Georg Krammer) for review and approval and to treat each deliverable as if it were being submitted directly to the client. Working with public agencies, we understand that ultimately the work deliverables and recommendations we produce will become public information and undergo scrutiny not only from internal agency staff but also its appointed officials, as well as the public and potentially, the media. Before delivering any product or recommendation to the City, we ask ourselves whether we would be comfortable seeing our name in the media associated with each particular deliverable. This is the perspective we bring to our approach for quality control and assurance. At a time when public scrutiny of public agency activities, programs, services, compensation, benefits, etc., has never been greater, we understand that the data and recommendations we provide to the City have to be absolutely accurate, vetted, and when questioned, can be supported by the appropriate source documentation.

We will report to the designated Study Project Team. Project correspondence, meetings and communications will be directed and coordinated through the designated Project Manager. We will provide periodic project status reports (at least once per week or every two weeks, as desired) that include



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City of National City

progress toward achieving milestones, issues encountered that might cause significant deviations from the project plan and recommendations for corrective actions. The Project Manager and our firm will jointly establish and agree upon written acceptance of each task and deliverable.

We believe in a transparent and open-book process and always encourage all stakeholders to contact us with questions and concerns. We want to be the ultimate HR resource for all of the City's study stakeholders. However, we also need to ensure that all stakeholders know what the issues are and how we plan to address them. We like to include all stakeholders in the communication process from the beginning so that they all receive the same information from us as well as the Project Manager.

We believe that our hands-on approach creates trust and confidence among study stakeholders and it is important to create a sound comfort-level between us, the Project Manager, and other stakeholders through carefully structured and streamlined communication.

Client Feedback

We have often found that our proposals address a very high level of time commitment, which sometimes results in a higher proposal cost. We believe that our methodology and implementation success rate is attributable to the significantly greater level of contact we have with City management, the City Council, and staff. The time we commit to working with the employees results in significantly greater buy-in throughout the process and no formal appeals at the end of the study.

In fact, our firm has never had a formal appeal to any of our studies in our thirty-plus years in business. It has been our experience that the money and time invested in stakeholder touch-points throughout the study are money and time saved during implementation.

Our clients always provide us feedback that our process was professional, comprehensive, understandable, timely, and inclusive. Employees, although not necessarily always happy with study outcome or our recommendations, have always indicated that we listened to their issues and concerns and were available for discussion, as required. Although time consuming, we also drive the process to ensure that timelines are met and schedules are maintained.

PROJECT SCHEDULE

Our professional experience is that compensation studies of this scope take approximately three (3) months to complete, allowing for adequate compensation data collection and analysis, review steps by the City, the development of final reports, and presentations. The Principal in Charge of this project (Georg Krammer) and all key project personnel can commit the time necessary to fulfill the requirements of the project and a completion date of March 7, 2016 is realistic and achievable.

The following is a suggested three month timeline based on the December 1, 2015, date of City Council final approval of a Consultant Contract, as indicated in the RFP's projected timeline:



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	Compensation Study	Date of Completion
A.	Initial Documentation Review/Meetings with Study Project Team and Management Staff	Week 1
B.	Confirm Comparator Agencies, and Identify Benchmark Classifications, and Benefits to be Collected	Week 2
C.	Data Collection	Week 8
D.	Analysis and Preliminary Data Review	Week 9
E.	Draft Compensation Findings/Additional Analysis/Study Project Team Meetings	Week 10
F.	Internal Relationship Analysis and Internal Alignment	Week 11
G.	Compensation Structure and Implementation Plan Development	Week 11
H.	Preparation of Draft Final and Final Report and Deliverables	Week 12
I.	Formal Appeal Process*	As needed
J.	Final Presentation	As scheduled



FIRM EXPERIENCE AND QUALIFICATIONS

General

Koff & Associates is a majority woman-owned public sector human resources consulting firm that was founded in 1984 and has been assisting cities, counties, special districts, other public agencies, and non-profit organizations throughout the State of California with their classification and compensation needs for over 30 years. We are a private corporation and our legal name is Kaneko & Krammer Corp. dba Koff & Associates, Inc. Our headquarters are located in Berkeley, CA and we have a satellite office in Brea, CA. We have fourteen (14) staff members. We are a State-certified small business enterprise and a locally certified Very Small Business Enterprise in Alameda County, and Small Local Business, also certified in Alameda County. The owners of the firm are Catherine Kaneko, President, and Georg Krammer, CEO.

Experience

We have extensive experience working in both union and non-union environments (including serving as the management representative in meet & confer and negotiation meetings), working with City Councils, Boards of Directors, Boards of Supervisors, Merit Boards, Joint Power Authorities, and Boards of Trustees. We are familiar with the various organizational structures, agency missions, operational and budgetary requirements, and staffing expectations.

The firm's areas of focus are compensation and classification studies (approximately 70% of our workload); organizational development/assessment studies; performance management and incentive compensation programs; development of strategic management tools; policy/procedure development and employee handbooks; executive search and staff recruitments; public agency consolidations and separations; Human Resources audits; and serving as off-site Human Resources Director for our smaller public agencies that need the expertise of a Human Resources Director but do not need a full-time, on-site professional.

Without exception, all of our compensation [and classification] studies have successfully met all of our intended commitments; communications were successful with employees, supervisors, management, and employee representatives; and we were able to assist each agency in successfully implementing our recommendations. All studies were brought to completion within stipulated time limits and proposed budgets.

The firm's long list of clients is indicative of its reputation as being a quality organization that can be relied upon for producing comprehensive, sound and cost-effective recommendations and solutions. Koff & Associates has a reputation for being "hands-on" with the ability and expertise to implement its ideas and recommendations through completion in both union and non-union environments.

Koff & Associates relies on our stellar reputation and on the recommendations and referrals of current clients to attract new clients. Our work speaks for itself and our primary goal is to provide professional and technical consulting assistance with integrity, honesty, and a commitment to excellence. The fact that we have not had any formal appeals in our thirty years in business, working with hundreds of public



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agency clients and completing hundreds of classification and compensation studies, a fact about which we are very proud.

We take a unique approach that encourages stakeholder participation through interactive communication and education in each phase of every project. This emphasis on client customization, coupled with our expertise in implementing recommendations, is critical to bringing each project to a successful conclusion in both union and non-union environments. The educational aspect of our projects expands to all stakeholders, and we pay special attention to educating and training human resources and project staff in our methodologies and the interpretation of best practices, industry standards, and best management policies. City of National City staff training and thorough documentation ensure that the City can seamlessly implement our recommendations and maintain and administer its new/updated compensation plan going forward.

We are always on stand-by for any questions that may come up in the future. Once we complete a study or project, we don't just walk away; rather, we will continue our relationship with our client for any future support they may need. Our goal is to become and remain our client's trusted advisor and HR business partner.

Team Qualifications

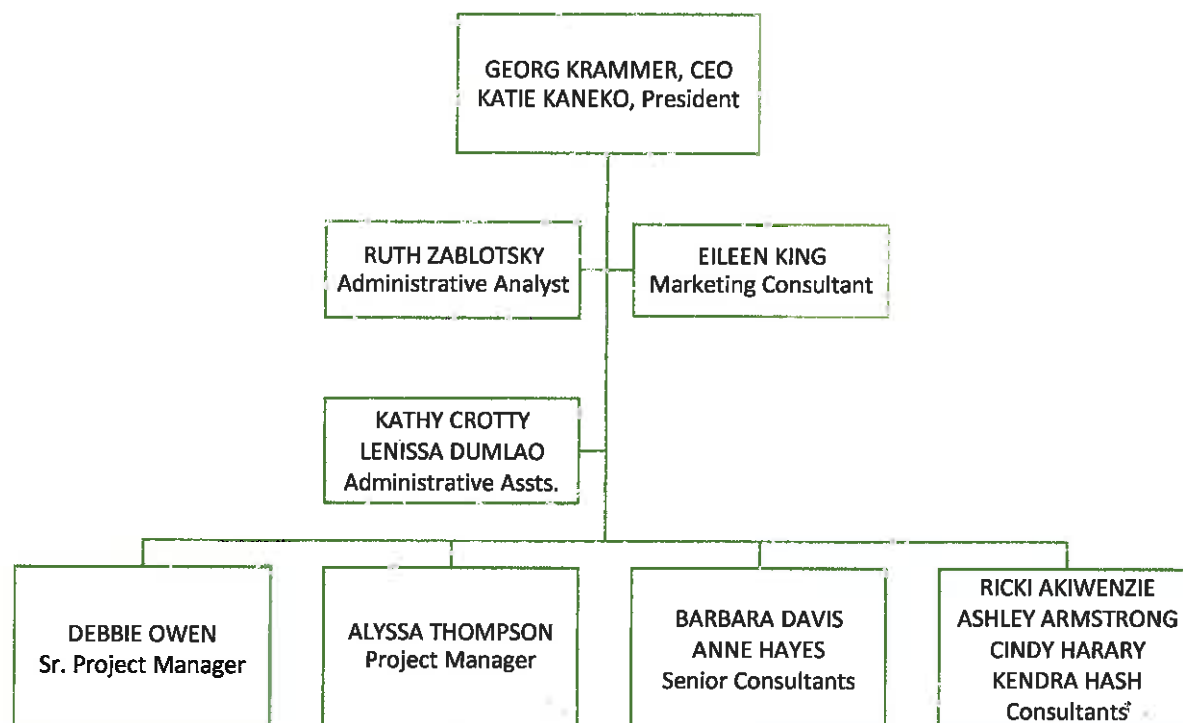
All members of our team have worked on multiple, comprehensive compensation studies and are well acquainted with the wide array of public sector compensation structures, organizational structures, and classification plans, as well as the challenges and issues that arise when conducting studies like this.

The next page shows our organization chart for our staff of fourteen (14).



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No subcontractors will be retained for this project.

Georg S. Krammer, M.B.A., S.P.H.R.
Chief Executive Officer

Georg brings close to twenty (20) years of management-level human resources experience to Koff & Associates with an emphasis in organizational development; classification and compensation design; market salary studies; executive and staff recruitment; performance management; and employee relations, in the public sector, large corporations and small, minority-owned businesses.

After obtaining a Master of Arts in English and Russian and teaching credentials at the University of Vienna, Austria, Georg came to the United States to further his education and experience and attained his Master of Business Administration from the University of San Francisco. After starting his HR career in Wells Fargo's college recruiting department, he moved on to HR management positions in the banking and high-tech consulting industries. With his experience as a well-rounded senior HR generalist, his education in business and teaching, and his vast experience with public sector HR programs and functions, Georg's contribution to K&A's variety of projects greatly complements our consulting team. Georg joined K&A in 2000 and has been the firm's Chief Executive Officer since 2005.

Georg will be assigned as Project Director (i.e., Principal in Charge) for the project and coordinate all of K&A's efforts. He will attend all meetings with the City and be responsible for all work products and deliverables.



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Alyssa Thompson, Ph. D. **Project Manager**

Alyssa earned a Bachelor's degree in Psychology with a minor in Sociology-Organizational Studies from the University of California, Davis, and a Ph.D. in Organizational Psychology from Alliant International University. She brings with her over ten (10) years of human resources experience in classification and compensation analysis and development, performance management, affirmative action program development, and recruitment. Alyssa also has experience in designing and conducting quantitative and qualitative research studies.

Since joining the firm in 2007, Alyssa has led and worked on well over one hundred (100) classification, compensation, organizational assessment, and recruitment projects for cities, counties, and special districts such as cities of Anaheim, Bellflower, Claremont, Fremont, Madera, Monterey, Orange, Sacramento, and Santa Barbara, counties of San Mateo and Tehama, Alameda County Transportation Commission, Berkeley Unified School District, Central Contra Costa Sanitary District, Dublin San Ramon Services District, East Bay Municipal Utility District, Midpeninsula Regional Open Space District, Mount San Antonio College, Oakland Housing Authority, Orange County Sanitation District, Sacramento Council of Governments, Santa Clara Valley Water District, Superior Court of California – County of Orange, and Vallejo Sanitation and Flood Control District.

Alyssa will provide consultant support throughout the effort, including compensation analysis, internal job analysis, development of recommendations, and implementation strategies.

Anne Hayes **Senior Consultant**

Anne earned a Bachelor's degree in Mathematics and Economics from the University of California, Santa Barbara. Her specialized, diverse experience includes 10 years in the private sector, with 5 years in a management role where she gained experience in assessment analysis, and furthered business performance through the implementation of personnel policies and practices to ensure regulatory compliance, and facilitate the recruitment and retention strategies of the organization. She transitioned to a role within a non-profit organization, specializing in providing labor relations representation to public sector employers, where she gained extensive project management experience specifically in the areas of classification, compensation, and organizational analysis for public sector agencies.

Since joining K&A, Anne has been an integral part of project teams working on classification, compensation, and/or organizational studies for many public sector agencies throughout the state of California including, the Cities of Bellflower, Carmel, Compton, Lafayette, Piedmont, Santa Paula, the County of Sonoma, and the following special districts: Alameda Housing Authority, Alameda County Waste Management Authority, Antelope Valley Transportation Authority, Castro Valley Sanitary District, East Valley Water District, Marin Housing Authority, Mountain House Community Services District, Orange County Sanitation District, and the South Tahoe Public Utility District.

Anne will provide consultant support throughout the effort, including compensation analysis, internal job analysis, development of recommendations, and implementation strategies.



Comprehensive Compensation Study and Analysis Proposal

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Client References

Agency and Project	Contact
City of Anaheim Classification and <u>total compensation study</u> for Library Services Dept. completed in 2014. <u>Ongoing classification and compensation work</u> (2015).	Ms. Belen Ramirez Senior Class & Comp Analyst (714) 765-5159 201 S. Anaheim Blvd., Suite 501 Anaheim, CA 92805 BRamirez@anaheim.net
City of Avalon (population 3,773) <u>Compensation Study</u> , 2015; Classification Study, 2014. Finance Director Salary Survey, 2015	Ms. Gina Schuchard Financial Consultant (714) 425-7726 410 Avalon Canyon Rd. Avalon, CA 90704 gschuchard@cityofavalon.com
City of Bellflower <u>Total compensation study</u> completed in 2007; compensation study completed in March 2013. Currently conducting citywide <u>Classification and Total Compensation</u> study.	Ms. Susan Crumly Human Resources and Risk Manager (562) 804-1424 16600 Civic Center Dr. Bellflower, CA 90706 scrumly@bellflower.org
City of Jurupa Valley Citywide <u>classification and total compensation</u> study completed in 2015.	Mr. Alan Kreimeier Director of Administrative Services (951) 332-6464 8930 Limonite Ave. Jurupa Valley, CA 92509 akreimeier@jurupavalley.org
City of Poway <u>Comprehensive classification and total compensation</u> study, completed in 2008.	Ms. Tina White Assistant City Manager (858) 668-4413 13325 Civic Center Dr. Poway, CA 92064 twhite@poway.org
City of Rancho Palos Verdes Currently in the midst of a <u>Citywide Classification and Total Compensation</u> study for Rancho Palos Verdes.	Mr. Sean Robinson Human Resources and Risk Manager (310) 544-5331 30940 Hawthorne Blvd. Rancho Palos Verdes, CA 90275 srobinson@rpv.com

(additional references on next page)



Comprehensive Compensation Study and Analysis Proposal

City of National City

San Diego Housing Commission Executive Management and <u>total compensation</u> study, 2012.	Ms. Tina Holmes Human Resources Manager (619) 578-7741 1122 Broadway, Suite 300 San Diego, CA 92101 tinah@sdhc.org
East Valley Water District <u>Comprehensive classification and compensation</u> study completed in 2015.	Ms. Kerrie Bryan Human Resources/Risk and Safety Manager (909) 806-4087 31111 Greenspot Road Highland, CA 92346 kbryan@eastvalley.org



PROPOSED PROJECT COSTS

We want to emphasize that we provide an all-inclusive cost amount for the entire study and do not believe in underpricing the effort or change orders along the way, unless the City requests an obvious and identifiable *additional* level of effort.

If the City feels that any of the above-described project tasks are not needed/desired or other should be added, we will be happy to adjust our cost proposal accordingly. We suggest that the City use this cost proposal as a menu of sorts, and we will be happy to negotiate/determine a final scope of work that will meet the City's needs.

	Salary and Compensation Study	Hours
A.	Initial Document Review/Meetings with Study Project Team and Management Staff	8
B.	Confirm Comparator Agencies, and Identify Benchmark Classifications, and Benefits to be Collected	4
C.	Data Collection (100 benchmark classifications, 18 comparator agencies)	360
D.	Analysis and Preliminary Data Review (100 benchmark classifications, 18 comparator agencies)	180
E.	Draft Compensation Findings/Additional Analysis/Study Project Team Meeting(s)	70
F.	Internal Relationship Analysis and Internal Alignment	12
G.	Compensation Structure and Implementation Plan Development	16
H.	Preparation of Draft Final and Final Report and Deliverables	16
I.	Formal Appeal Process *	0
J.	Final Presentation	8
	Anticipated additional meetings with Study Project Team, employees, and/or other Stakeholders	12
	Total Professional Hours:	686
	Combined professional and clerical composite rate: \$115/Hour	\$78,890
	Our fee above <u>includes</u> all expenses:	
	Expenses include but are not limited to duplicating documents, binding reports, phone, supplies, postage, parking, meals, travel time, hotels, rental cars, airfare, etc.	
	TOTAL COST FOR PROJECT NOT TO EXCEED:	\$78,890
	*Additional consulting will be honored at composite rate of \$115/hour	

Billing Policies and Procedures:

Our typical billing method is to bill monthly in arrears for work completed in the previous month based on percentage of project task completion. We prefer payment within thirty (30) days of receipt of our invoices.



Comprehensive Compensation Study and Analysis Proposal City of National City

Proposal Signature Page

Koff & Associates intends to adhere to all of the provisions described in the RFP.

This proposal is valid for 90 days.

Respectfully submitted,

**By: KOFF & ASSOCIATES, INC.
State of California**

November 16, 2015

**Georg Krammer
Chief Executive Officer**

Date



Koff & Associates
Solving the Human Resources Puzzle for 30 Years

RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
KOFF & ASSOCIATES IN AN AMOUNT NOT EXCEED \$78,890 FOR
THE COMPLETION OF A COMPREHENSIVE COMPENSATION STUDY
AND ANALYSIS OF THE CITY'S CONFIDENTIAL, EXECUTIVE, MANAGEMENT,
MUNICIPAL EMPLOYEES' ASSOCIATION, AND PART-TIME EMPLOYEE GROUPS

WHEREAS, on June 16, 2015, the City Council approved a three-year Labor Agreement between the City and the Municipal Employees' Association ("MEA"); and

WHEREAS, under the terms of Article 21 of the Labor Agreement, the City committed to conducting a total compensation survey for the purpose of determining current market placement of classifications represented by MEA, and establishing compensation for such classifications for Fiscal Year 2017; and

WHEREAS, in September, 2015, the City Council provided similar market study direction to the City Manager related to the Executive and Management employee groups; and

WHEREAS, the last formal compensation study was completed fifteen years ago; and

WHEREAS, given the extent of the operational and compensatory relationship between classifications in the MEA employee group and the Confidential and Part-Time employee groups, the scope of the RFP was expanded to include those two groups, but there is no obligation on the part of the City to adjust compensation for those two groups based on the results of the study; and

WHEREAS, after completing an evaluation of the three responsive proposal packages and interviewing each firm, staff recommends entering into an Agreement with Koff & Associates for a comprehensive classification study for an amount not to exceed \$78,890.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute an Agreement with Koff & Associates for an amount not exceed \$78,890 for the completion of a comprehensive compensation study and analysis of the City's Confidential, Executive, Management, Municipal Employees' Association, and Part-Time employee groups.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael R. Dalla, City Clerk

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City: 1) accepting the work of PAL General Engineering, Inc. for the Community Corridors Improvement Project, CIP No. 12-05, 2) approving the final contract amount of \$2,858,027.18, 3) ratifying the r

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City: 1) accepting the work of PAL General Engineering, Inc. for the Community Corridors Improvement Project, CIP No. 12-05, 2) approving the final contract amount of \$2,858,027.18, 3) ratifying the release of retention in the amount of \$142,901.42, and 4) authorizing the Mayor to sign the Notice of Completion for the project.

PREPARED BY:  Jose Lopez, Civil Engineering Tech.

PHONE: 619-336-4312

DEPARTMENT: Engineering & Public Works

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt Resolution

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Notice of Completion
3. Final Contract Balance Sheet
4. Resolution

EXPLANATION

The Community Corridor Improvements Project, CIP No. 12-05, completed the following improvements to three (3) Community Corridors in National City:

- 4th Street: The Project implemented pedestrian/bicycle enhancements and traffic calming measures along 4th Street from Roosevelt Avenue to Harbison Avenue. Improvements included roughly 2.0 miles of Class II bicycle facilities (striped bike lanes, bike signage, and bicycle detector loops and green bicycle boxes at signalized intersections), high-visibility crosswalks, curb extensions, pedestrian refuge islands, signing and striping, and reverse angle parking.
- Coolidge Avenue/18th Street: The project implemented pedestrian/bicycle enhancements and traffic calming measures along Coolidge Avenue from 18th Street to Plaza Boulevard, and along 18th Street from Wilson Avenue to "D" Avenue. Improvements included new sidewalks, ADA curb ramps, curb extensions, crosswalks, a raised speed table, signing and striping, bike lanes, landscape/hardscape, and lighting enhancements.
- "D" Avenue: The project implemented pedestrian/bicycle enhancements and traffic calming measures along "D" Avenue from Division Street to 30th Street. Improvements included roughly 2.0 miles of Class II and III bicycle facilities (striped bike lanes, bike signage, sharrow pavement markings, and bicycle detector loops and green bicycle boxes at signalized intersections), high-visibility crosswalks, curb extensions, pedestrian refuge islands, and reverse angle parking. Bicycle enhancements were also implemented along 30th Street between "D" Avenue and Hoover Avenue, and along Hoover Avenue between 30th Street and the entrance to the Sweetwater River Bikeway at 33rd Street.

In June, 2013, the bid solicitation was advertised in local newspapers and posted on the City's website for the Community Corridor Improvements Project, CIP No. 12-05.

On July 22, 2013 four sealed bids were received by the 3:00pm deadline, opened and publically disclosed. PAL General Engineering, Inc. was the apparent low bidder with a total bid amount of \$4,212,486.25.

Upon review of all documents submitted and reference checks, PAL General Engineering, Inc. was the lowest responsible bidder qualified to perform the work as described in the project specifications.

On August 20, 2013, the City Council adopted Resolution No. 2013-121 awarding the contract to PAL General Engineering, Inc. in the amount of \$4,212,486.25 and authorized a 25% contingency in the amount of \$631,872.94 for any unforeseen changes.

The Notice to Proceed with construction was issued on August 29, 2013, with a construction start date of August 29, 2013.

The project was completed to the satisfaction of the City Engineer on July 10, 2015.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attached). The change orders increased the contract by \$153,038.75, while line item adjustments decreased the contract by \$1,507,497.82, for a net decrease of \$1,354,459.07 to the contract. This results in a 32.1% contract decrease for a final contract balance of \$2,858,027.18. The majority of the deduction, \$1,168,375.22, was due to removing the "D" Avenue and 12th Street roundabout from the contract.

As a result of satisfactory completion of the project, staff recommends that City Council: 1) accept the work of PAL General Engineering, Inc. for the Community Corridors Improvement Project, CIP No. 12-05, 2) approve the final contract amount of \$2,858,027.18, 3) ratify the release of retention in the amount of \$142,901.42, and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY
WHEN RECORDED MAIL TO:
NAME: CITY OF NATIONAL CITY
ADDRESS: 1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CA 91950

NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on July 11, 2015 of the Community Corridors Improvements Project, CIP No. 12-05

Work of improvement or portion of work of improvement under construction or alteration.

Various locations in National City, CA 91950

Street Address

City

State

Zip Code

The undersigned owns the following interest or estate in said property: _____

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

PAL General Engineering, Inc.

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer. Materials: Concrete, masonry, asphalt, irrigation, landscaping, Street Lighting, signing, striping and pedestrian traffic signal equipment. Equipment: Paving and excavation equipment.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: July 11, 2015;

Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 11, 2015 at, National City, California.

Signature: _____

RON MORRISON, MAYOR

Nrc 12-05



FINAL CONTRACT BALANCE

DATE: July 10, 2015

PROJECT: Community Corridor Improvements Project
FY 12-13
CIP No. 12-05

TO: PAL General Engineering Inc.
5734 Eastgate Mall
San Diego, CA 92121

ORIGINAL CONTRACT AMOUNT:	\$4,212,486.25
START DATE:	September 27, 2013
COMPLETION DATE:	July 10, 2015
ORIGINAL CONTRACT LENGTH:	240 Working Days
EXTENTION OF WORK DAYS:	176 Working Days
TOTAL CONTRACT TIME:	416 Working Days

DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1. The City Council awarded the Contractor's written grand total amount for the project in the amount of \$4,212,486.25. The Contractors line items sum did not match the final written grand total amount on the bid documents. The Line items sum needs to be lowered \$8,240 to match the \$4,212,486.25 original written bid amount. Line Item 38, Crushed Aggregate Base was corrected to match the total contract amount. This Change Order resulted in a no change to the contract in the amount of \$ 0.00.

Change Order #2. After reviewing the plans and having field meetings with Robert Hernandez, City Fire Marshall, and Sweetwater Authority it was determined to leave the Fire Hydrant in its current location. Remove Bid Item No. 15 "Fire Hydrant Relocation (including new service line, appurtenances) per Sweetwater Authority Standards and Specifications (replace curb, gutter, sidewalk and asphalt to match existing)" from the contract. This Change Order reduced the contract amount by \$ (5,420.00).

Change Order #3 The City Engineer directed all lighting fixtures to be upgraded from induction fixtures to LED fixtures. This Change Order total amount was \$ 8,618.40.

FINAL CONTRACT BALANCE

Community Corridors Improvement Project

CIP No. 12-05

Change Order #4. On May 6, 2014 extra work was conducted by PAL General Engineering because the plans called for the Sewer Manhole on 18th Street at Station 4+44 be adjusted to grade. The adjustment to grade could not be accomplished by adjustment rings only therefore qualifies as a modification or reconstruction. The work proceeded by time and materials under the direction of the Engineer. This Change Order total amount was **\$ 2,195.00.**

Change Order #5. The city engineer directed the installation of temporary striping along 18th Street between Harding and Hoover Avenue and additional red curb in front of Kimball Elementary for School Bus dropoff/ pickup location. This Change Order total amount was **\$ 1,106.54.**

Change Order #6. The Survey monument at station 4+40 in the intersection of 18th Street and Coolidge Ave needed to be removed and replaced due to the changes in the grades. This was not in the original scope of work. This Change Order total amount was **\$ 410.28.**

Change Order #7. Within the project limits but not under the scope of the project there was sections of curb and gutter in front of 1732 Coolidge Ave and 228 17th Street that were in bad shape adjacent to new improvements. Under direction of the engineer the Contractor removed and installed new curb and gutter. This change order is to cover the cost of demolition with the installation to be charged under bid item #73 " 8" Type G Concrete Curb & Gutter, per SDRSD G-2." This Change Order total amount was **\$ 900.00.**

Change Order #8. During construction of the street section on 4th street bad areas of asphalt adjacent to the work limits were discovered. To provide a uniform finish and look the work limits were extended in two areas approximately 5'x8' and 12'x2'. The Contractor proceeded with grind and overlay in these areas under the direction of the Engineer. This Change Order total amount was **\$ 1,169.63.**

Change Order #9. At the intersection of 16th and Coolidge the cross slope is greater than 5% which is not ADA compliant and is not indicated on plans for replacement. It was determined by the RE that these grades can be corrected and brought into ADA compliance, the issue was resolved by design team, Kimley-Horn. To resolve the issue approximately 4380 Square feet was grinded and overlaid. The cost for materials were billed under line item 76 "Asphalt Concrete Pavement." This Change Order total amount was **\$ 13,705.33.**

Change Order #10. 6"-8" of concrete was discovered beneath the asphalt on Civic Center Drive and Coolidge Ave between stations 1+43 and 7+80. Due to the soundness of the existing street section the only removals needed were to make the required grades. Under the direction of the Engineer the Contractor removed 7,833 square feet of concrete and 2,736 square feet was left in place. The agreed upon unit cost shall be \$3.00 per square foot of concrete removed and a credit of \$0.65 per square foot of concrete left in place for the soil/base material not being removed. This Change Order total amount was **\$ 21,720.60.**

Change Order #11. 6"-8" of concrete was discovered beneath the asphalt on Civic Center Drive and Coolidge Ave between stations 1+22 and 2+45. To make the required grades and the plans finished

FINAL CONTRACT BALANCE

Community Corridors Improvement Project

CIP No. 12-05

grade the concrete had to be removed. Under the direction of the Engineer the Contractor removed 2,405 square feet of concrete. The agreed upon unit cost shall be \$3.00 per square foot of concrete removed. This Change Order total amount was **\$ 7,215.00.**

Change Order #12. The original plans did not call for an enclosure to protect the backflow assembly at the Northeast corner of 16th Street and Coolidge Avenue. The Engineer directed that a backflow enclosure be installed. This Change Order total amount was **\$ 1,926.18.**

Change Order # 13. April 10, 2014 the Contractor departed site with hazardous and unsafe conditions within the pedestrian public right of way. Under the direction of the City Engineer City Crews were deployed to restore public right of way for pedestrian safety and create hazard free conditions. These unsafe conditions were throughout the 1400 block of Coolidge Avenue and consisted of demolished sidewalk, concrete debris, open excavations, and no safe pedestrian routes. This Change Order reduced the contract amount by **\$ (5,670.71).**

Change Order # 14. To improve the overall finish of the project the Engineer deleted hydro-seed from parkways between 18th Street and Civic Center Drive along Coolidge Avenue and directed to procure and install mulch for parkways located along Coolidge Avenue Improvements. Excludes areas in front of school along 18th Street. This Change Order total amount was **\$ 6,968.83.**

Change Order #15. To make the new improvements match the existing improvements with ADA compliance an extra driveway had to be removed at 1410 Coolidge Avenue to correct an uneven surface. Under the direction of the Engineer the extra driveway was removed and disposed. The extra driveway placed was billed under line item 71, "concrete driveway (all types)." This Change Order total amount was **\$ 552.00.**

Change Order #16. During the demolition of the Street section at Coolidge Avenue and Civic Center Drive petromat was found in the existing asphalt section. The dump fees for the asphalt with petromat is more expensive than just the asphalt alone. The asphalt dump tickets are approximately \$100, and the asphalt dump tickets with petromat are \$285. Creating a difference of \$185 per dump. This Change Order total amount was **\$ 1,554.00.**

Change Order # 17. Due to design changes of full section removal to grind and overlay on 5/21/14 the trench crossings on the East and West Side of Coolidge Avenue across Civic Center Drive had to be sawcut. The approximate section is 4" AC over 4" PCC for a total of 120 linear feet. This Change Order total amount was **\$ 740.25.**

Change Order #18. Procure and install additional 3" gate valves for the irrigation system at Coolidge Ave per revised irrigation plans from Kimley-Horn dated 4.3.14. This Change Order total amount was **\$ 8,779.73.**

FINAL CONTRACT BALANCE

Community Corridors Improvement Project

CIP No. 12-05

Change Order #19. The service meter pedestal at the Southwest corner of Coolidge Ave and Plaza Boulevard had to be relocated out of the Caltrans right of way. This was discovered after the service meter pedestal was already installed. This Change Order total amount was **\$ 3,794.10.**

Change Order #20. The City Engineer directed the installation of loading zone signs in front of Kimball Elementary and replacing a post for a Flashing Speed Limit Sign along 18th Street between Harding and Coolidge Avenue. This Change Order total amount was **\$ 866.25.**

Change Order #21. The City Engineer directed that the following intersections along Coolidge Avenue be changed from yield signs to stop signs: 11th Street, 12th Street, 14th Street, 15th Street, 16th Street and 17th Street. The work consisted of removing the old yield signs and legends and replacing with new stop signs, stop bars and stop legends. This Change Order total amount was **\$ 6,762.00.**

Change Order #22. The City and the Contractor agree that all work for the 12th Street and D Avenue Roundabout location shall be removed from the contract. This Change Order reduced the contract amount by **\$ (1,168,375.22).** This Change Order total amount is reflected in the associated line items of work.

Change Order #23. Per Kimley-Horn's "Construction Review for Traffic Items on the Community Corridor Projects" dated November 16, 2014, suggested construction changes were added to the Contract by the City Engineer. This Change Order total amount was **\$ 2,787.75.**

Change Order #24 The City Engineer directed the installation of additional pedestrian crosswalks, pedestrian barricades and crosswalk signage at the intersection of 12th Street and Coolidge Avenue. This Change Order total amount was **\$ 4,914.00.**

Change Order #25. Per Kimley-Horn's "Roosevelt Avenue Signing and Marking Plan" additional signing and striping was added to the Contract by the City Engineer. This Change Order total amount was **\$ 9,481.50.**

Change Order #26. To improve the overall asphalt surface on D Avenue between 9th Street and Plaza Boulevard the City Engineer directed Type 2 Rubberized Emulsion Aggregate Slurry (REAS) be placed. This Change Order total amount was **\$ 11,532.00.**

Change Order #27. The Sewer lateral on 18th Street between Coolidge Avenue and Harding Avenue was discovered to be damaged. Under the direction of the Engineer the Contractor proceeded with the repair under time and materials. This Change Order total amount was **\$ 11,915.09.**

Change Order #28. The storm drain and sewer manhole within the intersection of Civic Center Drive and Coolidge Avenue did not match the new grades and had to be modified. Under the direction of the Engineer the Contractor proceeded with the modification under time and materials. This Change Order total amount was **\$ 7,032.06.**

FINAL CONTRACT BALANCE

Community Corridors Improvement Project

CIP No. 12-05

Change Order #29. Additional trench repair and paving was needed during the installation of the bike detector loops at 4th Street and Palm Avenue. Under the direction of the Engineer the Contractor proceeded under time and materials. This Change Order total amount was **\$ 1,441.14.**

Change Order #30. During the installation of the bike detector loops at 4th Street and Palm Avenue damaged conduit was discovered. Under the direction of the Engineer the Contractor proceeded under time and materials to repair the damaged conduit. This Change Order total amount was **\$ 2,111.80.**

Change Order #31. The Contractor had to re-dig a street light foundation at 15th Street and Coolidge Avenue because the original plan location had utility conflicts. Under the direction of the Engineer the Contractor proceeded under time and materials. This Change Order total amount was **\$ 1,392.27.**

Change Order #32. Hand watering the Trees and Plants was required until SDG&E energized the Irrigation Controller. The delay for energizing was issues with SDG&E and out of the Contractor's control. The Contractor provided hand watering for the Trees and Plants twice a week. This Change Order total amount was **\$ 2,019.29.**

Change Order #33. Galvanized fittings were not suitable for the backflow preventer at 16th Street and Coolidge Avenue and had to be replaced with brass fitting per industry standards. This Change Order total amount was **\$ 1,484.16.**

Change Order #34. At the Intersection of 26th Street and D Avenue a separate pedestrian push button post was required to meet ADA standards for the Pedestrian Flasher System installed at the crosswalk. This Change Order total amount was **\$ 3,381.73.**

Change Order #35. SDGE rejected the unmetered pedestal (Panel A) at the Southwest Corner of Coolidge Ave and 15th Street because they required a metered pedestal. The plans specified an unmetered pedestal (Panel A) at this location. The Contractor replaced the unmetered pedestal with a metered pedestal. This Change Order total amount was **\$ 3,213.30.**

Change Order #36. A new striping layout was created to provide additional parking on A Avenue. The Contractor proceeded with the additional striping on "A" Avenue per Kimley-Horn's Plan Sheet. This Change Order total amount was **\$ 7,019.25.**

Change Order #37. This Change order summarizes all the additional working days needed throughout the project. Unforeseen delays caused by SDGE with not providing power to the lighting and irrigation system on Coolidge Avenue for 45 working days. Additional signing and striping directed by the city created 20 working days to procure and install. Additional Pedestrian Crosswalk equipment out of the original scope was ordered at the end of the project with a long lead time creating 111 additional working days to procure and install. This Change Order resulted in a time only change order adding **176 Working Days** to the Contract in the amount of **\$ 0.00.**

FINAL CONTRACT BALANCE

Community Corridors Improvement Project

CIP No. 12-05

All Change Orders listed above increased the total contract Working Days by **176**. (Refer to CO#37)

All Change Orders listed above increased the total contract amount **\$ 153,038.75**.

There were numerous line item adjustments per the attached FINAL BILLING STATEMENT that resulted in a total deduct of **\$ (1,507,497.82)**. The majority of this deduction was due to removing the "D" Ave and 12th Street Roundabout from the Contract.

CONTRACT ADJUSTMENT:

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$ 2,858,027.18**.
2. As a result of the satisfactory completion of said project, a retention amount of **\$ 142,901.42** has been released.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. PAL General Engineering Inc. will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ACCEPTING THE WORK PERFORMED BY PAL GENERAL ENGINEERING, INC.,
APPROVING THE TOTAL FINAL CONTRACT AMOUNT OF \$2,858,027.18,
AUTHORIZING THE MAYOR TO EXECUTE THE NOTICE OF COMPLETION, AND
RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$142,901.42,
FOR THE COMMUNITY CORRIDORS IMPROVEMENT PROJECT

BE IT RESOLVED by the City Council of the City of National City as follows:

It appearing to the satisfaction of the Engineering Department that all work required to be done by PAL General Engineering, Inc., for the total final contract amount of \$2,858,027.18, for the Community Corridors Improvement Project has been completed, the City Council of National City hereby accepts said work, approves the final contract amount of \$2,858,027.18, authorizes the Mayor to execute the Notice of Completion, and ratifies release of the retention in the amount of \$142,901.42.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the installation of “KEEP CLEAR” pavement markings on the westbound travel lanes of W. 19th Street in front of the ingress and egress driveways servicing 1001 W. 19th Street. (Costco

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the installation of "KEEP CLEAR" pavement markings on the westbound travel lanes of W. 19th Street in front of the ingress and egress driveways servicing 1001 W. 19th Street. (Costco Optical Laboratory and Distribution Center) (TSC No. 2015-18)

PREPARED BY: Kenneth Fernandez, P.E. 

PHONE: 619-336-4388

DEPARTMENT: Engineering and Public Works

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt the Resolution authorizing the installation of "KEEP CLEAR" pavement markings on the westbound travel lanes of W. 19th Street in front of both driveways for 1001 W. 19th Street.

BOARD / COMMISSION RECOMMENDATION:

At their meeting on October 14, 2015, the Traffic Safety Committee unanimously approved the staff recommendation to install "KEEP CLEAR" pavement markings for westbound traffic in front of both driveways for 1001 W. 19th Street.

ATTACHMENTS:

1. Explanation w/ Location Map
2. Staff Report to the Traffic Safety Committee on October 14, 2015 (TSC No. 2015-18)
3. Notice to area residents and property owners
4. Resolution

EXPLANATION

Ms. Monica Vallejo, COSTCO Optical Lab Administrative Manager, has requested, on behalf of her employer and its employees, the installation of "KEEP CLEAR" pavement markings on the westbound travel lanes of W. 19th Street in front of both driveways to the COSTCO facility located at 1001 W. 19th Street. The request is to improve ingress and egress for employees, delivery vehicles, and emergency vehicles accessing the business. During peak periods, vehicles stopped at the traffic signal at the intersection of W. 19th Street and Tidelands Avenue periodically queue past the driveways, thereby preventing ingress and egress.

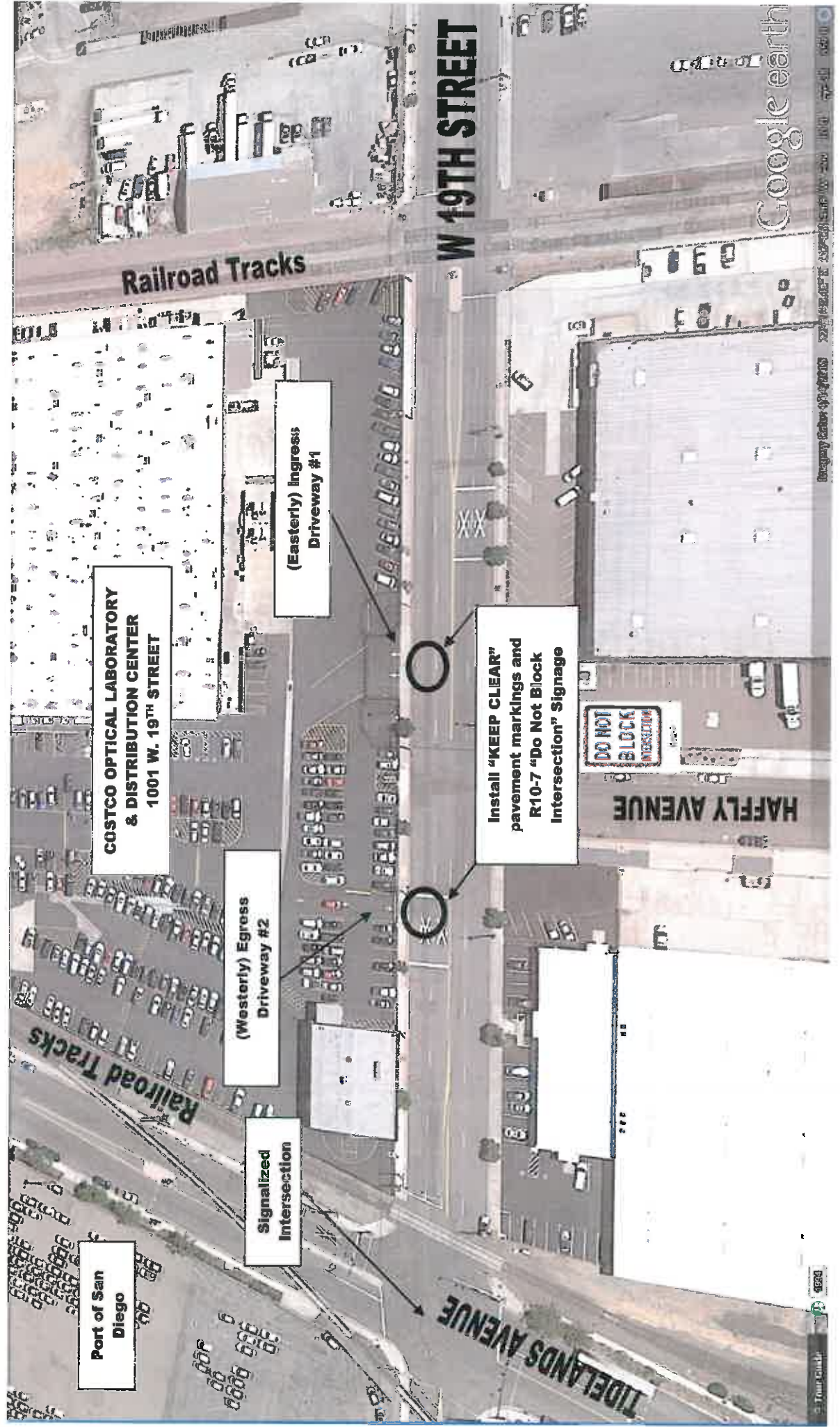
On October 14, 2015, the Traffic Safety Committee unanimously approved the staff recommendation to install "KEEP CLEAR" pavement markings with a R10-7 "Do Not Block Intersection" sign for westbound traffic in front of both driveways servicing 1001 W. 19th Street to discourage vehicles stopped at the traffic signal at the intersection of W. 19th Street and Tidelands Avenue from blocking the driveways. The existing railroad crossing advanced warning pavement markings for westbound traffic will be relocated approximately 170 feet east to allow for the new "KEEP CLEAR" pavement markings.

Ms. Vallejo was present at the meeting and spoke on behalf of the item. There was no public opposition to the item.

Staff sent letters to area businesses and property owners inviting them to attend the City Council Meeting on December 1, 2015.

If approved by City Council, all work will be performed by City Public Works.

Location Map (TSC Item: 2015-18)



**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR OCTOBER 14, 2015**

ITEM NO. 2015-18

ITEM TITLE: **REQUEST FOR INSTALLATION OF "KEEP CLEAR" PAVEMENT MARKINGS ON THE WESTBOUND LANES OF W. 19TH STREET IN FRONT OF THE INGRESS AND EGRESS DRIVEWAYS OF 1001 W. 19TH STREET (COSTCO OPTICAL LABORATORY AND DISTRIBUTION CENTER) (BY: M. VALLEJO, COSTCO OPTICAL LAB ADMINISTRATIVE MANAGER)**

PREPARED BY: Kenneth Fernandez, P.E.
Engineering and Public Works Department, Engineering Division

DISCUSSION:

Ms. Monica Vallejo, COSTCO Optical Lab Administrative Manager, has requested, on behalf of her employer and its employees, the installation of "KEEP CLEAR" pavement markings on the westbound travel lanes of W. 19th Street in front of both driveways to the COSTCO facility located at 1001 W. 19th Street. The request is to improve ingress and egress for employees, delivery vehicles, and emergency vehicles accessing the business. During peak periods, vehicles stopped at the traffic signal at the intersection of W. 19th Street and Tidelands Avenue periodically queue past the driveways, thereby preventing ingress and egress.

Engineering Staff confirmed that during morning peak periods of commuting activity on westbound W. 19th Street, vehicles periodically queue through the east leg of the intersection or in preparation of crossing or turning onto Tidelands Avenue during the stop (red light) signal phase.

STAFF RECOMMENDATION:

Staff recommends installation of "Keep Clear" pavement markings with a R10-7 "Do Not Block Intersection" sign for westbound traffic in front of both ingress/egress driveways of 1001 W 19th Street to discourage vehicles stopped at the traffic signal at the W. 19th Street and Tidelands Avenue intersection from queuing (stacking) through the east leg of the intersection or in preparation of crossing or turning onto Tidelands Avenue during the stop (red light) signal phase.

EXHIBITS:

1. Correspondences
2. Location Map
3. Photos



Ken Fernandez
City Engineer
City of National City

August 24, 2015

Dear Ken Fernandez,

Our facility is an Optical Laboratory as well as a Distribution Center. We are currently experiencing difficulty accessing and exiting the facility in the morning due to the high volume of traffic going into the military base on W19th Street. The access and ability to enter and exit is imperative to the operation of our business. There is also a concern if an emergency were to occur emergency services would not have access to our facility. We are seeking a "keep clear" painted space at both the entrance and exit to our facility. We are very grateful for your attention and or suggestions to his matter.

Kind regards,

A handwritten signature in blue ink, appearing to read "Monica Vallejo".

Monica Vallejo
Administrative Mgr
Costco Optical Lab 908
619 336-3307

the
across
from
street
entrance



at Exit



At Entrance



8/24/2015

Image014.jpg



from
exit
outside fence



from
across the
street from
exit
(west)

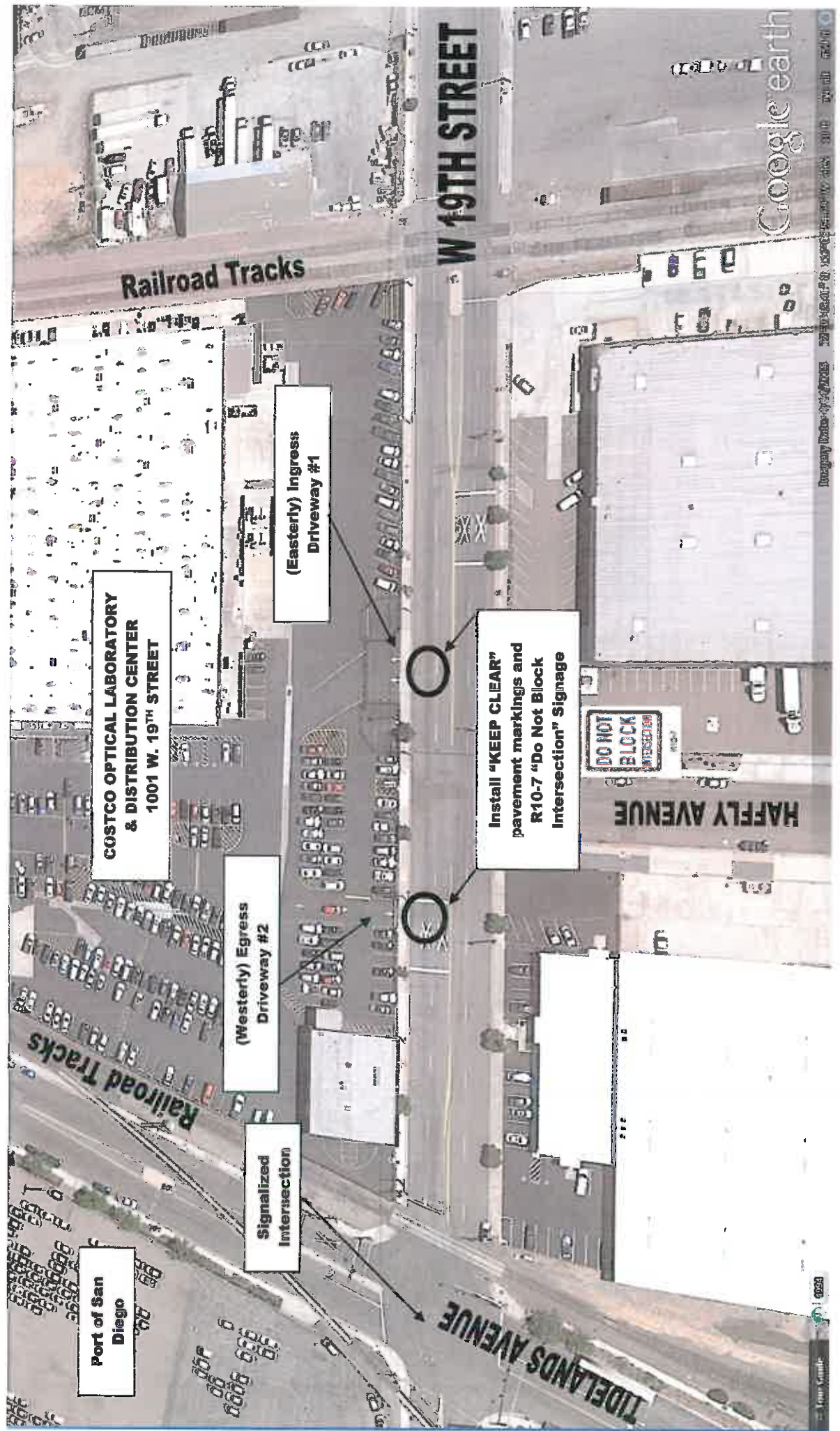




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Pete Soto
Costco 908
Surface Mgr.
(619) 336-3308

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Pete Soto
Costco 908
Surface Mgr.
(619) 336-3308

Location Map (TSC Item: 2015-18)





Location #1: Proposed “KEEP CLEAR” Pavement Marking with “Do Not Block Intersection” signage at 1001 W. 19th Street (looking east)



Location #2: Proposed “KEEP CLEAR” Pavement Marking with “Do Not Block Intersection” signage at 1001 W. 19th Street (looking southeast)



Location #2: Proposed “KEEP CLEAR” Pavement Marking with “Do Not Block Intersection” signage at 1001 W. 19th Street (looking south) from inside the property



November 16, 2015

Business Owner(s)/Property Owner(s)
National City, CA 91950

RE: TRAFFIC SAFETY COMMITTEE (TSC) ITEM NO. 2015-18

REQUEST FOR INSTALLATION OF "KEEP CLEAR" PAVEMENT MARKINGS ON THE WESTBOUND LANES OF W. 19TH STREET IN FRONT OF THE INGRESS AND EGRESS DRIVEWAYS OF 1001 W. 19TH STREET (COSTCO OPTICAL LABORATORY AND DISTRIBUTION CENTER)

Dear Sir/Madame:

The City of National City would like to inform you that the subject-referenced item was unanimously recommended for approval by the Traffic Safety Committee on Wednesday, October 14, 2015, (See attached location map).

This item will now be presented to the City Council of the City of National City on **Tuesday, December 1, 2015, at 6:00 P.M.** The meeting will be held in the 2nd floor Council Chambers of the Civic Center Building located at 1243 National City Boulevard.

If you have any questions, comments, and/or concerns, please contact the Engineering Department at 619-336-4380 and reference Traffic Safety Committee Item Number 2015-18.

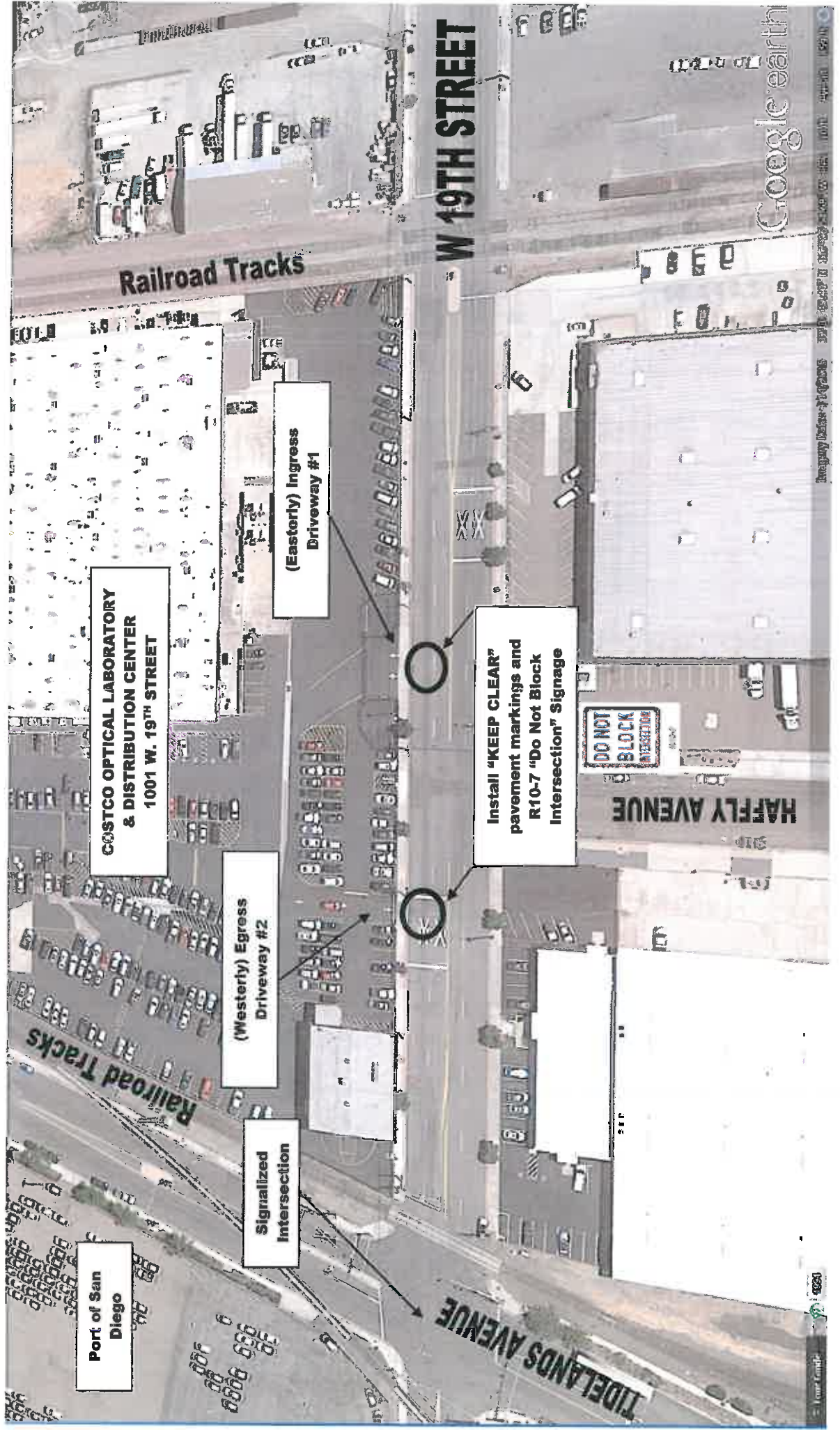
Sincerely,

Stephen Manganiello
City Engineer

SM:kf

2015-18

Location Map (TSC Item: 2015-18)



RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE INSTALLATION OF "KEEP CLEAR" PAVEMENT MARKINGS
ON THE WESTBOUND TRAVEL LANES OF WEST 19TH STREET IN FRONT OF
THE INGRESS AND EGRESS DRIVEWAYS SERVICING 1001 WEST 19TH STREET

WHEREAS, COSTCO Optical Laboratory and Distribution Center has requested the installation of "KEEP CLEAR" pavement markings on the westbound travel lanes of West 19th Street in front of both driveways to the COSTCO facility located at 1001 West 19th Street to improve ingress and egress for employees, delivery vehicles, and emergency vehicles accessing the business; and

WHEREAS, during peak periods, vehicles stopped at the traffic signal at the intersection of West 19th Street and Tidelands Avenue periodically queue past the driveways, preventing ingress and egress; and

WHEREAS, on October 14, 2015, the Traffic Safety Committee unanimously approved staff's recommendation to install "KEEP CLEAR" pavement markings with a R10-7 "Do Not Block Intersection" sign for westbound traffic in front of both driveways servicing 1001 West 19th Street to discourage vehicles stopped at the traffic signal at the intersection of West 19th Street and Tidelands Avenue from blocking the driveways.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the installation of "KEEP CLEAR" pavement markings with a R10-7 "Do Not Block Intersection" sign for westbound traffic in front of both driveways servicing 1001 West 19th Street to improve ingress and egress for employees, delivery vehicles, and emergency vehicles accessing the business.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the conversion and installation of 30 feet of unrestricted curbside parking to “yellow curb”, Commercial Loading in front of 1010 W. 19th Street. (Q.E.D. Systems, Inc.) (TSC No. 2015-

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the conversion and installation of 30 feet of unrestricted curbside parking to "yellow curb", Commercial Loading in front of 1010 W. 19th Street. (Q.E.D. Systems, Inc.) (TSC No. 2015-19)

PREPARED BY: Kenneth Fernandez, P.E. 

PHONE: 619-336-4388

EXPLANATION:

See attached.

DEPARTMENT: Engineering and Public Works

APPROVED BY: _____



FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt the Resolution authorizing the conversion and installation of 30 feet of yellow curb, commercial loading in front of 1010 W. 19th Street.

BOARD / COMMISSION RECOMMENDATION:

At their meeting on October 14, 2015, the Traffic Safety Committee unanimously approved the staff recommendation to convert and install yellow curb, commercial loading in front of 1010 W. 19th Street.

ATTACHMENTS:

1. Explanation w/ Location Map
2. Staff Report to the Traffic Safety Committee on October 14, 2015 (TSC No. 2015-19)
3. Notice to area residents and property owners
4. Resolution

EXPLANATION

Mr. Jonathan Oyler, representative for the management of Q.E.D. Systems, Inc., located at 1010 W. 19th Street, has requested conversion of 30 feet of unrestricted curbside parking in front of the business to yellow curb "Commercial Loading".

Staff visited the site and confirmed that there is no available off-street parking in front of the property for larger vehicles. The on-street parallel parking space measures approximately 30 feet. Additionally, the property has a large rear area that can accommodate large, infrequent shipments. However, it is well secured and does not appear to be conducive to business with respect to small day-to-day deliveries

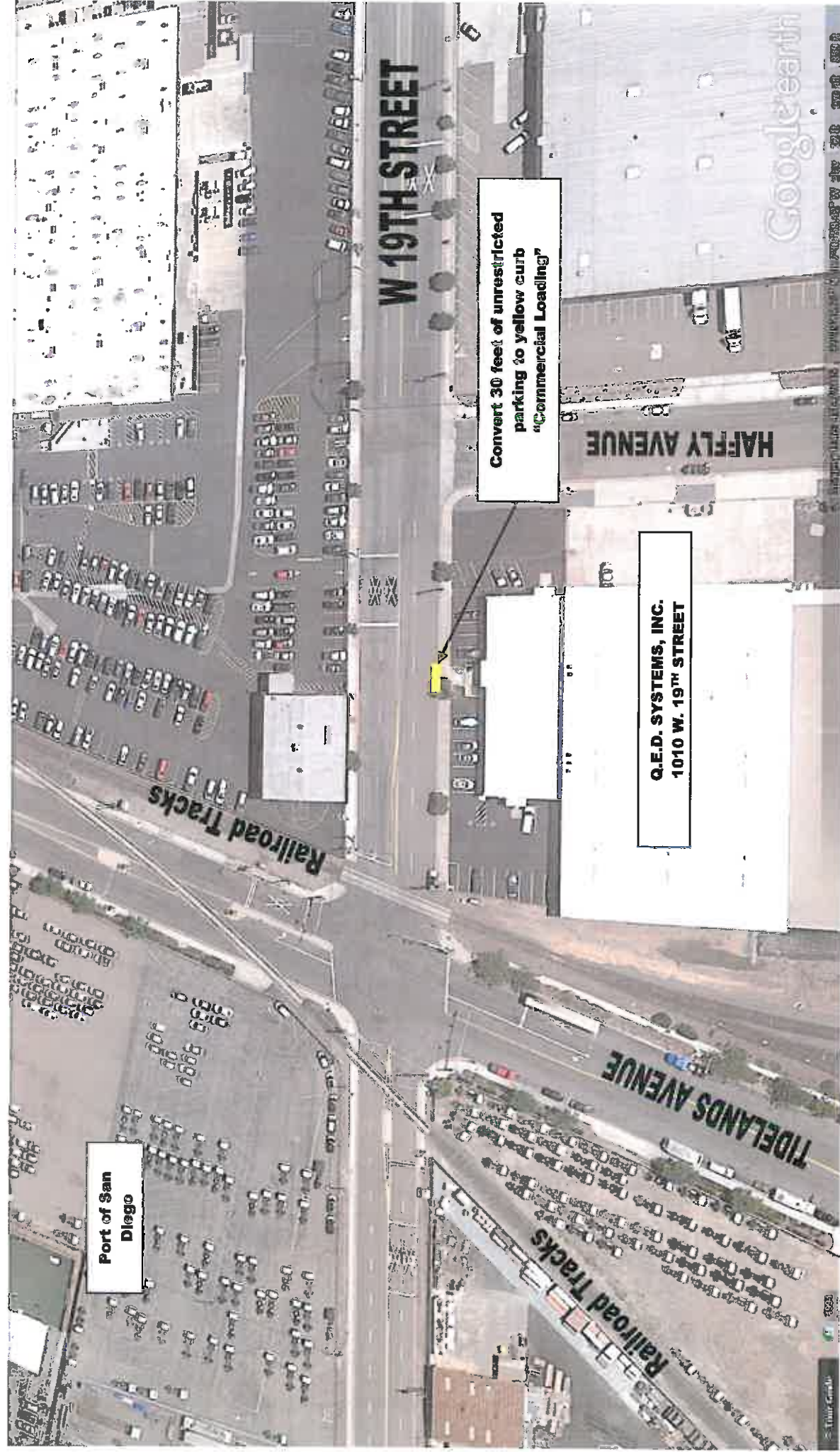
Based on the type of business, staff agrees that yellow curb "Commercial Loading" is appropriate. While commercial vehicles may currently park in the unrestricted curbside parking, it is possible that non-commercial vehicles may already be parked there for up to 72 consecutive hours. Provision of yellow curb limits non-commercial vehicles to three (3) minutes for loading/unloading purposes.

On October 14, 2015, the Traffic Safety Committee unanimously approved the staff recommendation to install 30 feet of "yellow curb," commercial loading restricted parking to facilitate delivery parking turnover at 1010 W. 19th Street. There were no representatives present at the Traffic Safety Meeting in favor of the item. Conversely, there was no public opposition to the item either.

Staff sent letters to area businesses and property owners inviting them to attend the City Council Meeting on December 1, 2015.

If approved by City Council, all work will be performed by City Public Works.

Location Map (TSC Item: 2015-19)



**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR OCTOBER 14, 2015**

ITEM NO. 2015-19

ITEM TITLE: REQUEST FOR CONVERSION OF 30 FEET OF UNRESTRICTED CURBSIDE PARKING TO YELLOW CURB "COMMERCIAL LOADING" IN FRONT OF 1010 W. 19TH STREET (Q.E.D. SYSTEMS, INC.) (BY: J. OYLER)

PREPARED BY: Kenneth Fernandez, P.E.
Engineering and Public Works Department, Engineering Division

DISCUSSION:

Mr. Jonathan Oyler, representative for the management of Q.E.D. Systems, Inc., located at 1010 W. 19th Street, has requested conversion of 30 feet of unrestricted curbside parking in front of the business to yellow curb "Commercial Loading".

Mr. Oyler stated that there is no parking available on-site for loading and unloading of mail, packages, and other deliverables. Provision of a commercial loading zone in front of the business would greatly assist daily operations.

Staff visited the site and confirmed that there is no available off-street parking in front of the property for larger vehicles. The on-street parallel parking space measures approximately 30 feet. Additionally, the property has a large rear area can accommodate large, infrequent shipments. However, it is fenced off and does not appear to be conducive to business with respect to small day-to-day deliveries

Based on the type of business, staff agrees that yellow curb "Commercial Loading" is appropriate. While commercial vehicles may currently park in the unrestricted curbside parking, it is possible that non-commercial vehicles may already be parked there for up to 72 consecutive hours. Provision of yellow curb limits non-commercial vehicles to three (3) minutes for loading/unloading purposes.

STAFF RECOMMENDATION:

Staff recommends conversion of 30 feet of unrestricted curbside parking in front of 1010 W. 19th Street (Q.E.D. Systems, Inc.) to yellow curb "Commercial Loading".

EXHIBITS:

1. Correspondence
2. Location Map
3. Photos



Q.E.D. SYSTEMS, INC

The Engineering Professionals

1010 West 19th Street
San Diego, CA 91950

John 619-882-8828 Ext 6117

619-882-8822 Fax

John Oyler

joyle@qedsysinc.com

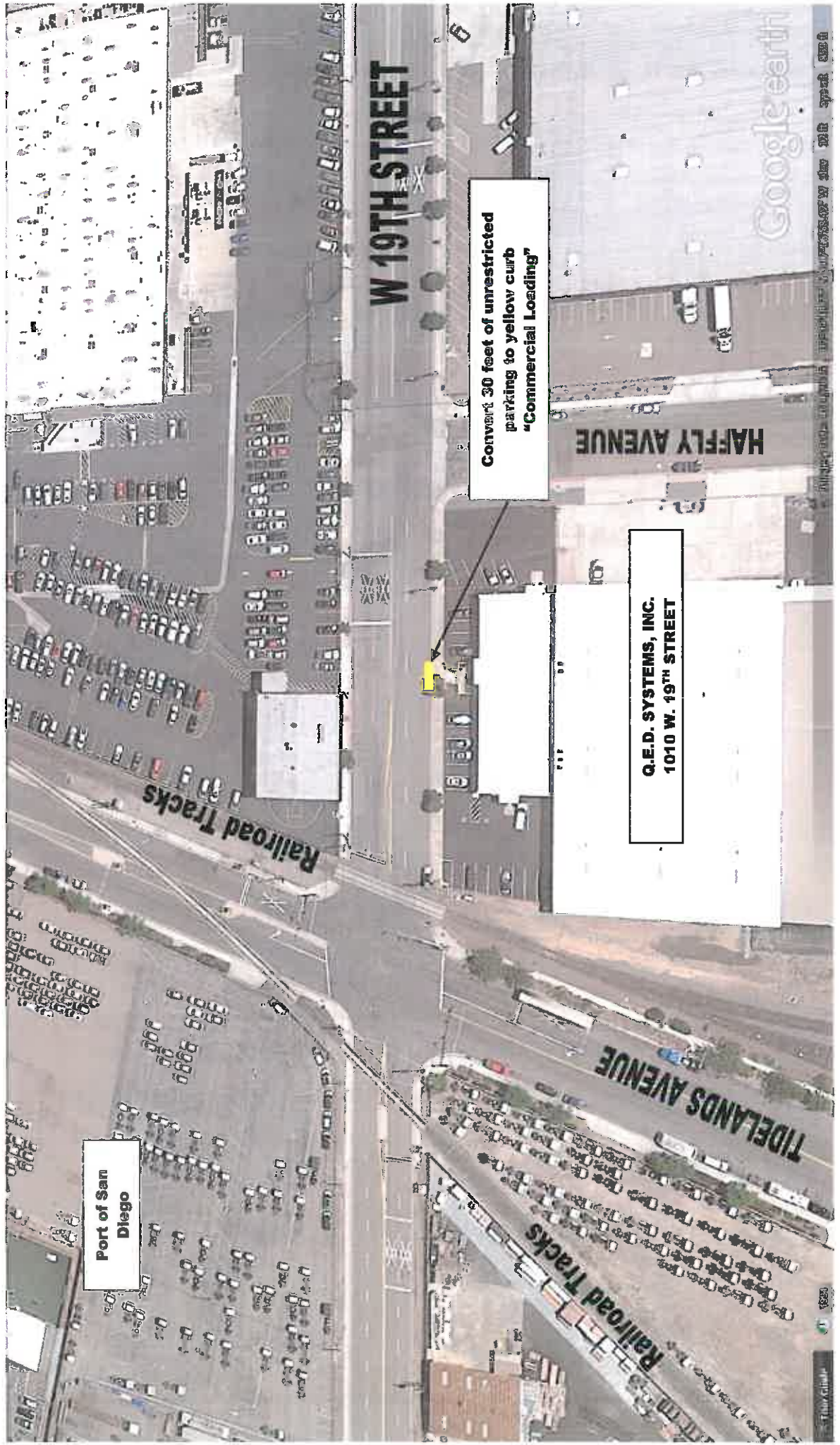
Q.E.D. SYSTEMS, INC. submits a request to have a 23 ft section of curb (see picture) designated for a "Loading Zone" in front of address 1010 West 19th St. National City, CA 91950.



Regards,

Jonathan Oyler

Location Map (TSC Item: 2015-19)





Location of Proposed Yellow Curb “Commercial Loading” in front of 1010 W. 19th Street (looking south)



**Location of Proposed Yellow Curb “Commercial Loading” in front of 1010 W. 19th Street
(looking southeast)**



November 16, 2015

Property Owner(s)/Business Owner(s)
National City, CA 91950

RE: TRAFFIC SAFETY COMMITTEE (TSC) ITEM NO. 2015-19

REQUEST FOR CONVERSION OF 30 FEET OF UNRESTRICTED
CURBSIDE PARKING TO "YELLOW CURB" COMMERCIAL LOADING IN
FRONT OF 1010 W. 19TH STREET (Q.E.D. SYSTEMS, INC.)

Dear Sir/Madame:

The City of National City would like to inform you that the subject-referenced item was unanimously recommended for approval by the Traffic Safety Committee on Wednesday, October 14, 2015, (See attached location map).

This item will now be presented to the City Council of the City of National City on **Tuesday, December 1, 2015, at 6:00 P.M.** The meeting will be held in the 2nd floor Council Chambers of the Civic Center Building located at 1243 National City Boulevard.

If you have any questions, comments, and/or concerns, please contact the Engineering Department at 619-336-4380 and reference Traffic Safety Committee Item Number 2015-19.

Sincerely,

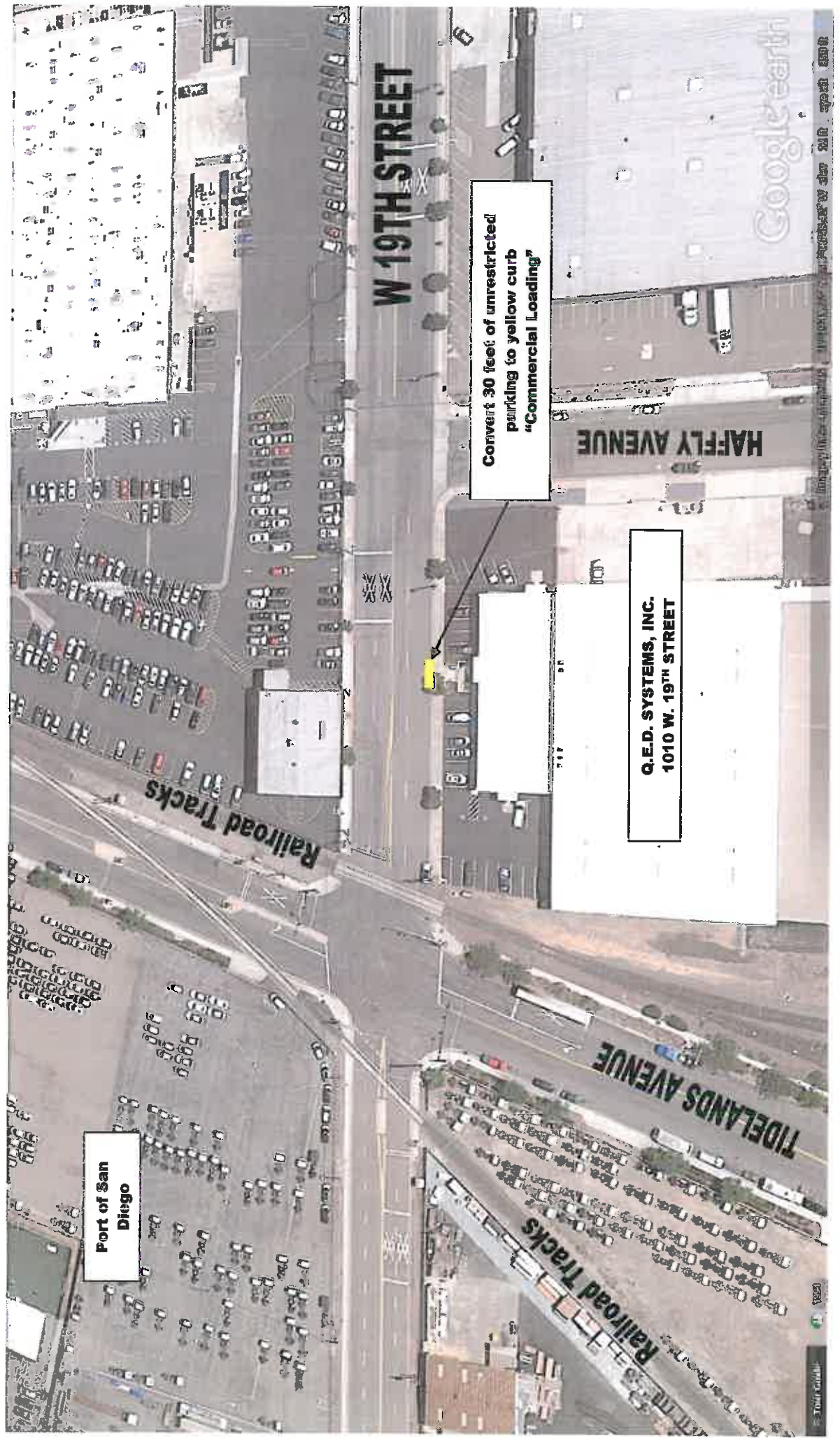
A handwritten signature in black ink, reading 'Stephen Manganiello', is written over a horizontal line.

Stephen Manganiello
City Engineer

SM:kf

2015-19

Location Map (TSC Item: 2015-19)



RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE CONVERSION AND INSTALLATION OF 30 FEET
OF UNRESTRICTED CURBSIDE PARKING TO "YELLOW CURB",
COMMERCIAL LOADING IN FRONT OF 1010 WEST 19TH STREET

WHEREAS, Q.E.D. Systems, Inc., located at 1010 West 19th Street, has requested conversion of 30 feet of unrestricted curbside parking in front of the business to yellow curb "Commercial Loading" to facilitate delivery parking turnover; and

WHEREAS, based on the type of business, staff agrees that yellow curb "Commercial Loading" is appropriate; and

WHEREAS, on October 14, 2015, the Traffic Safety Committee unanimously approved staff's recommendation to convert 30 feet of unrestricted curbside parking in front of the business to yellow curb "Commercial Loading" restricted parking to facilitate delivery parking turnover at 1010 West 19th Street.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the conversion and installation of 30 feet of unrestricted curbside parking to "Yellow Curb" commercial loading in front of 1010 West 19th Street.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City approving the parcel map and accepting an easement for emergency vehicle access for ingress and egress, along and across all that real property situated at 240 Norton Avenue in the City of Nation

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City approving the parcel map and accepting an easement for emergency vehicle access for ingress and egress, along and across all that real property situated at 240 Norton Avenue in the City of National City.

PREPARED BY: Charles Nissley

PHONE: 336-4396

EXPLANATION:

See attached

DEPARTMENT: Engineering/Public Works

APPROVED BY:



FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt the Resolution approving the parcel map and accepting an easement for emergency vehicle access for ingress and egress along and across all that real property situated at 240 Norton Avenue.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Parcel Map
3. Resolution

EXPLANATION

Mr. Abraham Edid, property owner of 240 Norton Avenue, has started grading his property in preparation for construction of two new single family dwelling units. Access to the property located at 240 Norton Avenue is provided through a private, 20-foot wide easement that extends from Norton Avenue, across the property located at 242 Norton Avenue, and onto the property located at 240 Norton Avenue. The property located at 242 Norton Avenue is also owned by Mr. Edid.

Since 240 Norton Avenue does not front the street, resulting in longer distances to fire hydrants, the National City Fire Department has required the owner to provide an easement for emergency vehicle access. The 20-foot wide easement for emergency vehicle access will traverse along the southerly property boundary as shown on the attached parcel map. The property owner is responsible for maintenance of the easement, which has been constructed to accommodate heavy vehicles.

The property owner is requesting that the City Council approve the parcel map and accept the easement. Upon approval, the City Clerk will certify the map and route to the title company for recordation by the County Recorder.

PARCEL MAP NO.

SHEET 2 OF 3 SHEETS

LEGEND

- FOUND MONUMENT AS NOTED HEREON.
- SET 3/4" DIA. IRON PIPE WITH DISK LS BUNA
- SET LEAD WITH DISK LS BUNA
- () INDICATES RECORD DATA PER MAP 1404
- () CITY TIE SHEET 1500-L
- () INDICATES RECORD DATA PER PARCEL MAP 18183
- (()) INDICATES RECORD DATA PER MAP 14742

BASIS OF BEARINGS

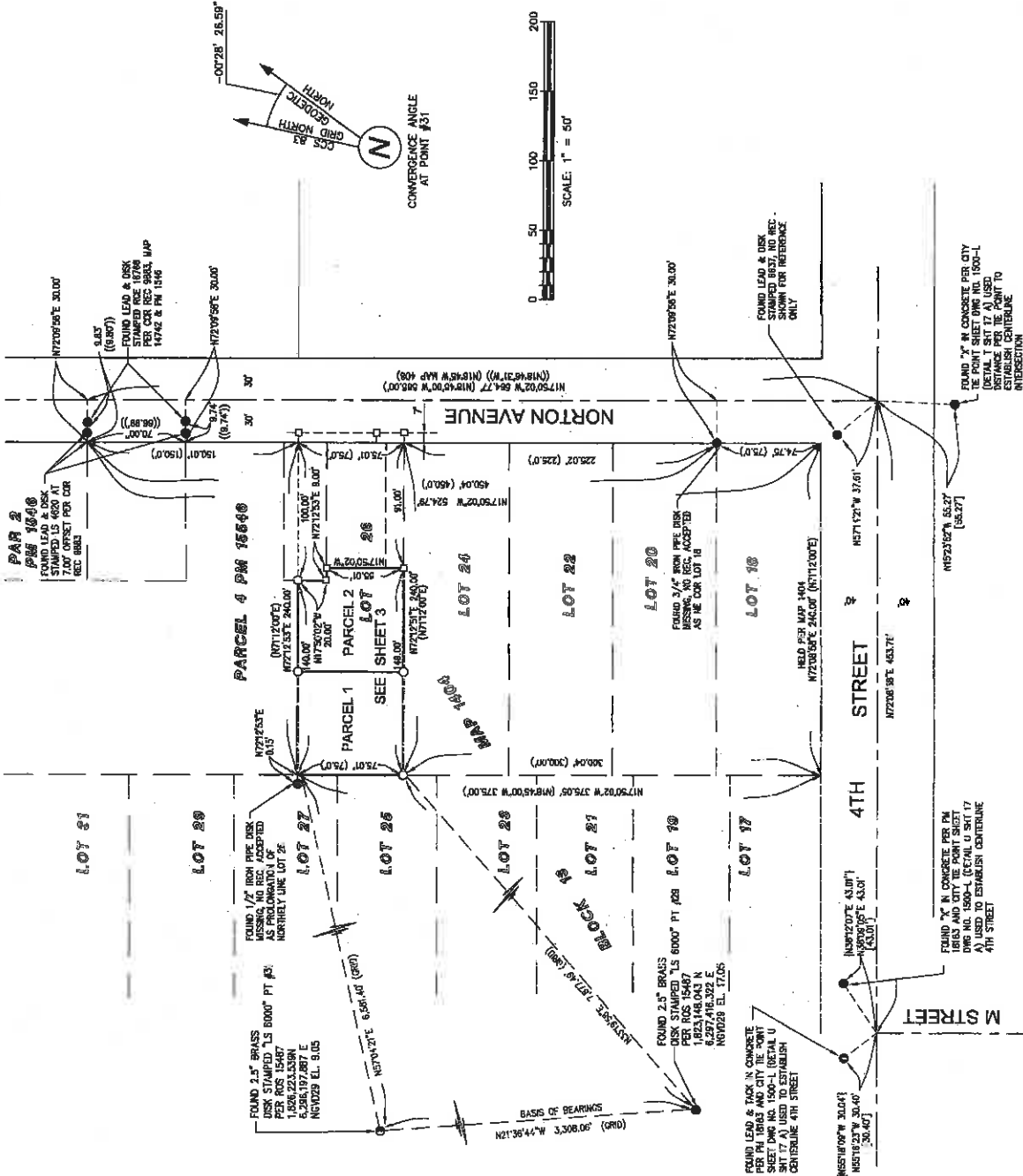
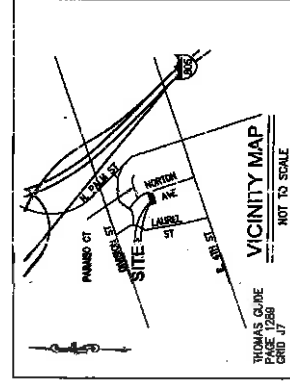
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 10N, NAD 83. THE GRID BEARING BETWEEN FIRST ORDER S.P.S. STATION 28 AND S.P.S. STATION 31 PER RECORD OF SURVEY MAP NO. 15487 IS $N 21^{\circ}38'44''E$.

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF S&D SYSTEM.

THE COMBINED GRID FACTOR AT STATION 31 IS 1.000019499.
GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR.

GENERAL NOTES

1. TOTAL NUMBER OF PARCELS IS 2.
2. TOTAL GROSS AREA IS 10,986 SQUARE FEET (0.250 ACRES).
3. ALL DISTANCES AND/OR STREET WIDTHS SHOWN WITHOUT DECIIMALS REPRESENT THAT DISTANCE TO NEAREST HUNDRETHS.
4. ALL CURVES ARE TANGENT UNLESS OTHERWISE INDICATED.
5. THE EASEMENT OR RIGHT OF WAY FOR PIPELINES OR OTHER WORKS OF THE U.S. WATER DISTRICT RECORDED JANUARY 15, 1943, IN BOOK 1795, PAGE 371, C.R., IS NOT SHOWN ON THIS MAP. THE LOCATION AND WIDTH OF THIS EASEMENT CANNOT BE PLOTTED FROM THE INFORMATION CONTAINED IN S&D DOCUMENT.



SHEET 3 OF 3 SHEETS



RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
APPROVING THE PARCEL MAP AND ACCEPTING AN EASEMENT
FOR EMERGENCY VEHICLE ACCESS FOR INGRESS AND EGRESS,
ALONG AND ACROSS ALL REAL PROPERTY SITUATED
AT 240 NORTON AVENUE IN THE CITY OF NATIONAL CITY

WHEREAS, the property owner of 240 and 242 Norton Avenue, has started grading his property at 240 Norton Avenue in preparation for construction of two new single-family dwelling units; and

WHEREAS, access to the property located at 240 Norton Avenue is provided through a private, 20-foot wide easement that extends from Norton Avenue, across the property located at 242 Norton Avenue, and onto the property located at 240 Norton Avenue; and

WHEREAS, because 240 Norton Avenue does not front the street, resulting in longer distances to fire hydrants, the National City Fire Department has required the owner to provide an easement for emergency vehicle access; and

WHEREAS, the 20-foot wide easement for emergency vehicle access will traverse along the southerly property boundary as shown on the attached parcel map; and

WHEREAS, the property owner is responsible for maintenance of the easement, which has been constructed to accommodate heavy vehicles.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby approves the parcel map and accepts an easement for emergency vehicle access for ingress and egress along and across all real property situated at 240 Norton Avenue in the City of National City.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Warrant Register #16 for the period of 10/14/15 through 10/20/15 in the amount of \$1,475,182.65.
(Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Warrant Register #16 for the period of 10/14/15 through 10/20/15 in the amount of \$1,475,182.65.
(Finance)

PREPARED BY: K. Apalategui

PHONE: 619-336-4572

DEPARTMENT: Finance

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 10/14/15 through 10/20/15.

Consistent with Department of Finance practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
City of Chula Vista	320116	72,829.26	Animal Care Center Fees / Police
New Century Construction	320162	115,201.75	D Ave and 12 th St Roundabout
Nexus IS Inc	320163	350,625.09	VOIP Phone System Project / MIS
SDG&E	320174	91,605.78	Gas & Electric Utilities
Tristar Risk Management	595527	71,849.32	September 2015 WC Replenishment
Bank of America Public	595598	481,375.00	NCJPFA Lease Rev Refnd Bond 2010

FINANCIAL STATEMENT:

ACCOUNT NO.

Reimbursement total \$1,475,182.65

APPROVED: 

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Ratification of warrants in the amount of \$1,475,182.65

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #16



WARRANT REGISTER #16
10/20/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
QUESTYS SOLUTIONS	GOLD LEVEL ANNUAL RENEWAL SOFTWARE	320099	10/20/15	14,401.80
ACME SAFETY & SUPPLY CORP	RAIN YELLOW PANTS / STREETS	320100	10/20/15	45.78
ADVANCE DATA SOLUTIONS	DATA RECOVERY FOR LIBRARY	320101	10/20/15	1,200.00
ALDEMCO	CONSUMABLES- NUTRITION CENTER	320102	10/20/15	1,451.23
AMERICAN BACKFLOW SPECIALTIES	PLUMBING SUPPLIES	320103	10/20/15	10.22
APWA	MEMBERSHIP RENEWAL - K MUTHUSAMY	320104	10/20/15	204.00
ARCO GASPRO PLUS	FUEL FOR CITY FLEET	320105	10/20/15	29,441.89
ART D NIELSEN PAINTING INC	CITY WIDE PAINTING SERVICES	320106	10/20/15	3,695.00
ASSI SECURITY INC	LABOR / SERVICE CALL FOR TRAINING	320107	10/20/15	150.00
ATKINS NORTH AMERICA INC	SEWER REMOVAL SERVICES / PW	320108	10/20/15	4,455.00
BAVENCOFF JR	SUBSISTENCE: SHERMAN BLOCK SLI TRAINING	320109	10/20/15	468.00
BOARD OF EQUALIZATION	HAZARDOUS WASTE GENERATOR FEE	320110	10/20/15	21,230.00
BOOT WORLD	MOP#64096 WEARING APPAREL	320111	10/20/15	366.62
BPI PLUMBING	CITY WIDE PLUMBING SERVICE AND REPAIRS	320112	10/20/15	227.20
CALIFORNIA COMMERCIAL SECURITY	MOP#45754 BUILDING MATERIALS	320113	10/20/15	135.00
CALIFORNIA ELECTRIC SUPPLY	MOP # 45698 LIGHTING SUPPLIES	320114	10/20/15	2,038.51
CALIFORNIA ELECTRIC SUPPLY	MOP#45698 ELECTRICAL	320115	10/20/15	3,733.42
CITY OF CHULA VISTA	ANIMAL CARE CENTER FEES / PD	320116	10/20/15	72,829.26
CLAUSS CONSTRUCTION	FY16 RETENTION	320117	10/20/15	19,044.04
CLEARs	TUITION: C.L.E.A.R.S. TRAINING	320118	10/20/15	300.00
CORDERO, E	SUBSISTENCE: WOMEN LEADERS IN LAW	320119	10/20/15	326.33
COUNTY OF SAN DIEGO	REQUEST OF COPIES FOR BUILDING	320120	10/20/15	8.00
COUNTY OF SAN DIEGO	SAND BAGS / FIRE	320121	10/20/15	800.00
COUNTY OF SAN DIEGO	BUILDING RECORDS	320122	10/20/15	4.00
D PREP L L C	TUITION: OFFICER INVOLVED SHOOTING	320123	10/20/15	223.00
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320124	10/20/15	3,373.68
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320125	10/20/15	1,925.00
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320126	10/20/15	1,600.09
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320127	10/20/15	929.79
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320128	10/20/15	782.78
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320129	10/20/15	297.50
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320130	10/20/15	117.50
DENTONS US LLP	T&A ADVENTURE CENTER - AQUATIC CENTER	320131	10/20/15	3,141.50
DENTONS US LLP	T&A ADVENTURE CENTER - AQUATIC CENTER	320132	10/20/15	820.59
DENTONS US LLP	T&A ADVENTURE CENTER - AQUATIC CENTER	320133	10/20/15	2.63
D-MAX ENGINEERING	NC STORM WATER SERVICES	320134	10/20/15	23,075.78
DOUBLETREE BY HILTON HOTEL	RESERVATION: FRESNO TRAINING SYMPOSIUM/FIR	320135	10/20/15	2,170.10
E2 MANAGE TECH INC	WEST SIDE SAMPLING	320136	10/20/15	7,586.62
ED BRAINARD	REGISTRATION: HORTICULTURAL SEMINAR / PW	320137	10/20/15	500.00
EQUIFAX INFORMATION SVCS	EQUIFAX SERVICES / S8	320138	10/20/15	99.21
ESGIL CORPORATION	PLAN CHECK SERVICES / BUILDING	320139	10/20/15	24,784.24
EXPRESS PIPE AND SUPPLY CO INC	PLUMBING PARTS & MATERIALS	320140	10/20/15	185.11
FEDEX	FORESTRY & FIRE PROTECTION DOCUMENTS	320141	10/20/15	52.68
FREE FORM CLAY & SUPPLY	KILN REPAIR AT EL TOYON CENTER	320142	10/20/15	261.18
GEOSYNTEC CONSULTANTS INC	EDUCATION VILLAGE REDEVELOP PROJECT / S A	320143	10/20/15	730.27
GRAINGER	MOP#65179 BUILDING MATERIALS	320144	10/20/15	784.25
GROSSMAN PSYCHOLOGICAL	PRE-EMPLOYMENT EVALUATIONS	320145	10/20/15	1,100.00
HARRIS & ASSOCIATES	MISC. SEWER ENGINEERING SVCS	320146	10/20/15	3,000.00
HUNTER'S NURSERY INC	MOP#45719 HORTICULTURAL ITEMS	320147	10/20/15	222.32



WARRANT REGISTER #16
10/20/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
JJJ ENTERPRISES	CITY WIDE FIRE AND SECURITY ALARM SVCS	320148	10/20/15	1,490.00
KONE	CITY WIDE ELEVATOR MAINTENANCE	320149	10/20/15	3,195.00
LASER SAVER INC	PLOTTER REPAIR HP T1100	320150	10/20/15	1,846.11
LIEBERT CASSIDY WHITMORE	LEGAL / PROFESSIONAL SERVICES	320151	10/20/15	3,093.71
LOPEZ, T	INTERPRETATION SVCS	320152	10/20/15	140.00
MAINTEX INC	JANITORIAL SUPPLIES-FACILITIES	320153	10/20/15	313.86
MASON'S SAW	REPAIRS AND PURCHASES OF SAWS	320154	10/20/15	853.34
MAXIOM, L	REIMB: NACOLE CONFERENCE	320155	10/20/15	264.13
MCKAY, N	REVISION TO SEC 8 HCV MASTER BOOK	320156	10/20/15	224.00
MEYERS NAVE	LEGAL / SD UNIFIED PORT	320157	10/20/15	8,295.00
MUTHUSAMY, K	REIMB: MILEAGE - MEETINGS	320158	10/20/15	40.29
NATIONAL PHARMACEUTICAL RETURN	DESTRUCTION OF MORPHINE SULFATE/FIRE	320159	10/20/15	125.00
NCPOA	REIMB: BLUE KNIGHT AWARD CEREMONY	320160	10/20/15	375.00
NCPOA	MEMBERSHIP RENEWAL / POLICE	320161	10/20/15	125.00
NEW CENTURY CONSTRUCTION INC	D AVE AND 12TH ST ROUNDABOUT	320162	10/20/15	115,201.75
NEXUS IS INC	VOIP PHONE SYSTEM PROJECT / MIS	320163	10/20/15	350,625.09
NINYO & MOORE	AQUATIC CENTER	320164	10/20/15	2,826.00
NUTTALL, M	SUBSISTENCE:20TH ANNUAL K9 TRAILS	320165	10/20/15	210.56
PACIFIC AUTO REPAIR	SMOG CERTIFICATION/REPAIRS	320166	10/20/15	778.00
PACIFIC SAFETY CENTER	REGISTRATION: FORKLIFT INSTRUCTOR	320167	10/20/15	575.00
PRO BUILD	MOP#45707 PLUMBING MATERIALS	320168	10/20/15	1,806.54
PRUDENTIAL OVERALL SUPPLY	MOP#45742 LAUNDRY SERVICES	320169	10/20/15	388.03
QUIROGA, R	SUBSISTENCE:20TH ANNUAL K9 TRAILS	320170	10/20/15	210.56
SAFRAN MORPHOTRUST	INVESTIGATIVE SERVICES / H R	320171	10/20/15	28.00
SAKAMOTO, C	REIMB: CERTIFICATION COURSE	320172	10/20/15	96.00
SAN DIEGO UNION TRIBUNE	CLASSIFIED LISTING - CIP 15-08	320173	10/20/15	778.40
SDG&E	GAS & ELECTRIC UTILITIES	320174	10/20/15	91,605.78
SEGAL, M	REIMB: SUPERVISORY COURSE	320175	10/20/15	143.75
SMART & FINAL	MOP 45756 MISC SUPPLIES - PD	320176	10/20/15	43.20
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 ANIMAL CONTROL BROCHURE	320177	10/20/15	682.34
SNAP ON INDUSTRIAL	SPACE-SAVING EQUIPMENT	320178	10/20/15	7,481.49
SOUTH BAY WINDOW & GLASS CO	CITY WIDE OFF SITE WINDOW REPLACEMENTS	320179	10/20/15	1,197.37
SOUTHERN CALIFORNIA SOIL	A AVE GREEN STREET PROJECT	320180	10/20/15	1,686.00
STAPLES ADVANTAGE	MOP 45704 OFFICE SUPPLIES - COMM SVC	320181	10/20/15	1,351.17
STUTZ ARTIANO SHINOFF	LIABILITY CLAIM COSTS	320182	10/20/15	3,449.14
SUPERIOR READY MIX	COLD MIX ASPHALTS/TACK OIL	320183	10/20/15	241.92
SWEETWATER AUTHORITY	WATER SERVICE / UTILITIES	320184	10/20/15	2,259.50
THE BANK OF NEW YORK MELLON	CUSTODIAN FEE 07/01/15 - 09/30/15	320185	10/20/15	300.00
THE COUNSELING TEAM	EMP SUPPORT SVCS - SEPT 2015	320186	10/20/15	800.00
THE HOME DEPOT CREDIT SERVICES	INV 9904494. SUPPLIES FOR PARK DEPT	320187	10/20/15	578.48
TRANE US INC	CITY WIDE HVAC SERVICE AND REPAIRS	320188	10/20/15	246.75
U S BANK	CREDIT CARD EXPENSES - PD	320189	10/20/15	2,305.22
U S HEALTHWORKS	PRE-EMPLOYMENT PHYSICAL	320190	10/20/15	632.00
U S IDENTIFICATION MANUAL	RENEWAL - U.S. ID MANUAL	320191	10/20/15	179.85
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT	320192	10/20/15	169.50
UNITED ROTARY BRUSH CORP	MOP#62683 AUTO PARTS	320193	10/20/15	856.99
VALLEY INDUSTRIAL SPECIALTIES	MOP#46453 PLUMBING MATERIALS	320194	10/20/15	120.48
VISTA PAINT	MOP#68834 TRAFFIC SUPPLIES	320195	10/20/15	1,366.01
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES-PW	320196	10/20/15	132.74



WARRANT REGISTER #16
10/20/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
WESTFLEX INDUSTRIAL	MOP#63850 AUTO PARTS	320197	10/20/15	100.42
WILLY'S ELECTRONIC SUPPLY	MOP#45763 MATERIALS / PW	320198	10/20/15	114.46
A/P Total				866,280.05
WIRED PAYMENTS				
TRISTAR RISK MANAGEMENT	SEPTEMBER 2015 WC REPLENISHMENT	595527	10/15/15	71,849.32
BOFA PUBLIC INSTL FINL FUNDING LLC	NCJPFA LEASE REV REFND BOND 2010	595598	10/15/15	481,375.00
CITY NATIONAL BANK	ENERGY RETROFIT PROJECT PAYMT #22	604506	10/20/15	43,101.10
SECTION 8 HAPS PAYMENTS		Start Date	End Date	
		10/14/2015	10/20/2015	12,577.18
GRAND TOTAL				<u>\$ 1,475,182.65</u>

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.


MARK ROBERTS, FINANCE

LESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

JERRY CANO, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

ALBERT MENDIVIL, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 1st OF DECEMBER, 2015.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: Warrant Register #17 for the period of 10/21/15 through 10/27/15 in the amount of \$2,502,135.51.
(Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. 1

ITEM TITLE:

Warrant Register #17 for the period of 10/21/15 through 10/27/15 in the amount of \$2,502,135.51.
(Finance)

PREPARED BY: K. Apalategui

PHONE: 619-336-4572

DEPARTMENT: Finance

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 10/21/15 through 10/27/15.

Consistent with Department of Finance practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
LB Civil Construction Inc	320250	706,781.05	Services for "A" Avenue Green
Portillo Concrete, Inc.	320276	289,955.77	Services for Highland Ave Safety
Public Emp Ret System	10222015	336,026.90	Service Period 09/29/15 – 10/12/15

FINANCIAL STATEMENT:

ACCOUNT NO.

Reimbursement total \$2,502,135.51

APPROVED: 

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Ratification of warrants in the amount of \$2,502,135.51

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #17



WARRANT REGISTER #17
10/27/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MANA DE SAN DIEGO	BRINDIS GALA 2015 - MORRISON / FLORES-CLARK	320199	10/22/15	200.00
MANA DE SAN DIEGO	BRINDIS GALA 2015 - CANO	320200	10/22/15	100.00
ACE UNIFORMS & ACCESSORIES INC	2553 TRU SPEC COMBAT SHIRT / FIRE	320201	10/27/15	130.78
ACME SAFETY & SUPPLY CORP	30 DAY NITE- CONES	320202	10/27/15	971.85
AIR RESOURCES BOARD	EMISSIONS RENEWAL PERMIT / PW	320203	10/27/15	1,230.00
ALDEMCO	CONSUMABLES- NUTRITION CENTER	320204	10/27/15	1,576.37
ALL FRESH PRODUCTS	CONSUMABLES- NUTRITION CENTER	320205	10/27/15	1,427.20
ALLIANCE ENVIRONMENTAL	LIABILITY CLAIM COSTS	320206	10/27/15	2,123.65
AMEDEE, W	REIMB: RAFFLE ITEMS FOR CERT	320207	10/27/15	139.68
AT&T	PHONE SERVICES	320208	10/27/15	7,790.99
AT&T	PHONE SERVICES	320209	10/27/15	43.80
AT&T MOBILITY	WIRELESS SERVICE	320210	10/27/15	2,660.56
AT&T MOBILITY	WIRELESS SERVICE	320211	10/27/15	146.76
AUSTIN DOORS	CITY WIDE ROLL UP DOOR SERVICES	320212	10/27/15	292.50
AZTEC APPLIANCE	CITY WIDE APPLIANCE PURCHASES	320213	10/27/15	266.76
BEST BEST & KRIEGER ATTN: LAW	LEGAL / PROFESSIONAL SERVICES	320214	10/27/15	1,925.00
BOARD OF EQUALIZATION	SALES TAX LIABILITY - JUL - SEPT 2015	320215	10/27/15	748.00
BOOT WORLD	MOP#64096 WEARING APPAREL / PW	320216	10/27/15	106.91
BPI PLUMBING	CITY WIDE PLUMBING SERVICE AND REPAIRS	320217	10/27/15	285.00
BRIAN COX MECHANICAL INC	DRAINED HUMIDIFIER CANISTER / PW	320218	10/27/15	821.00
BROADWAY AUTO ELECTRIC	MOP#72447 AUTO PARTS / PW	320219	10/27/15	65.40
CAL UNIFORMS INC	FLYING CROSS FIRE DRESS PANTS	320220	10/27/15	632.13
CALIFORNIA COMMERCIAL SECURITY	MOP#45754 BUILDING AND STRUCTURE REPAIRS	320221	10/27/15	271.25
CALIFORNIA DIESEL COMPLIANCE	COMPLETED FLOW RESTICTION	320222	10/27/15	295.00
CALIFORNIA ELECTRIC SUPPLY	MOP#45698 ELECTRICAL SUPPLIES	320223	10/27/15	671.04
CDWG	TREND MICRO AVG ENT SEC / MIS	320224	10/27/15	7,256.00
CEB	CA ADMIN HEARING PRACTICE	320225	10/27/15	160.15
CLF WAREHOUSE	CLAMP / PW	320226	10/27/15	462.39
COAST INDUSTRIAL SYSTEMS, INC.	KIT TO REPAIR PUMP / PW	320227	10/27/15	2,666.16
COMMERCIAL AQUATIC SERVICE INC	HYDROCHLORIC ACID / PW	320228	10/27/15	2,846.43
COUNTY OF SAN DIEGO	REGIONAL COMMUNICATIONS SYSTEMS	320229	10/27/15	7,810.00
COX COMMUNICATIONS	INTERNET SERVICE / SEPT 2015	320230	10/27/15	3,723.65
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	320231	10/27/15	194.43
DATA TICKET INC	DATA TICKET APPEALS / NSD	320232	10/27/15	1,420.50
DELL MARKETING L P	DELL EQUALLOGIC PS6100X - ARRAY	320233	10/27/15	35,031.84
DELTA DENTAL	COBRA DENTAL INS - SEPT 2015	320234	10/27/15	370.89
DEPARTMENT OF TRANSPORTATION	HIGHWAY LIGHTING SERVICES	320235	10/27/15	10,896.24
DUNBAR ARMORED INC	ARMORED SVCS - FINANCE	320236	10/27/15	205.36
ESRI INC	ARCGIS ONLINE LEVEL 2 PLAN / MIS	320237	10/27/15	10,000.00
EXPERIAN	CREDIT CHECKS/INVESTIGATIONS- PD	320238	10/27/15	42.20
FEDEX	PACKAGE DELIVERY	320239	10/27/15	23.26
FIRE ETC	EVOLUTION 5200/5000 SERIES UNIVERSAL	320240	10/27/15	1,444.86
FUN FLICKS OUTDOOR MOVIES	32' PREMIERE MOVIE SCREEN / CSD	320241	10/27/15	1,498.00
GRAINGER	ADJUST BASE STACKER 2200LB / PW	320242	10/27/15	9,498.11
GRANICUS INC	WEBCAST MEETING/EFFICIENCY GOV	320243	10/27/15	1,702.35
GTC SYSTEMS INC	NETWORK ENGINEERING SERVICES	320244	10/27/15	5,804.00
GUTIERREZ JR, C	REIMB: DRUG ABUSE RECOGNITION	320245	10/27/15	116.85
HEALTH NET	HEALTH INS R1192Q - SEPT 2015	320246	10/27/15	1,726.35
HONEYWELL INTERNATIONAL INC	PLUMBING SUPPLIES / PW	320247	10/27/15	2,813.56



WARRANT REGISTER #17
10/27/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
HYDRO SCAPE PRODUCTS INC	HEDGER TRIMMER / PW	320248	10/27/15	593.98
KONICA MINOLTA	COPIER EQUIPMENT LEASE - SEPT 2015	320249	10/27/15	221.51
L B CIVIL CONSTRUCTION INC	SERVICES FOR THE "A" AVENUE GREEN	320250	10/27/15	706,781.05
LANGUAGE LINE SERVICES	LANGUAGE LINE INTERPRETATION SERVICES	320251	10/27/15	16.18
LASER SAVER INC	INK CARTRIDGES / MIS	320252	10/27/15	1,951.12
LEFORTS SMALL ENGINE REPAIR	FUEL FILTER / PW	320253	10/27/15	185.93
LESLIE GAMESTER & HER ATTORNEY	LIABILITY CLAIM COSTS	320254	10/27/15	9,200.00
LIFELOC TECHNOLOGIES	13025 MOUTHPIECE, EASY TAB / POLICE	320255	10/27/15	252.53
LONG, D	SUBSISTENCE: IDENTITY THEFT INVESTIGATION	320256	10/27/15	256.00
LOPEZ, T	TRANSLATION SVCS 10/20/15	320257	10/27/15	210.00
MACHADO, R	REIMB: FORCE WORKSHOP	320258	10/27/15	92.94
MAN K9 INC	MONTHLY MAINTENANCE	320259	10/27/15	1,560.00
MAYER REPROGRAPHICS	D AVENUE COMMUNITY CORRIDOR / ENG	320260	10/27/15	242.84
MCAFFEE INC	EMAIL SECURITY AND ARCHIVING / MIS	320261	10/27/15	11,880.00
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	320262	10/27/15	425.50
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	320263	10/27/15	42.50
METRO AUTO PARTS DISTRIBUTOR	MOP#75943 AUTO PARTS	320264	10/27/15	123.08
METRO FIRE & SAFETY	FIRE EXTINGUISHER CO2 CHEMICAL	320265	10/27/15	146.91
MORENO, A	LIABILITY CLAIM COSTS	320266	10/27/15	1,281.00
MTS	MTS TROLLEY FLAGGER SERVICE	320267	10/27/15	279.19
NATIONAL CITY CHAMBER	NC TOURISM MARKETING - AUG 2015	320268	10/27/15	40,619.33
NEXUS IS INC	PHONE SYSTEM PROJECT	320269	10/27/15	1,250.00
NOWDOCS INTERNATIONAL INC	GREEN VOID BOTTOM CHECKS	320270	10/27/15	366.24
O'REILLY AUTO PARTS	MOP#75877 AUTO PARTS	320271	10/27/15	86.28
ORIENTAL TRADING COMP LLC	HALLOWEEN CRAFT SUPPLIES / CSD	320272	10/27/15	389.74
PADRE JANITORIAL SUPPLIES	JANITORIAL SUPPLIES - NUTRITION	320273	10/27/15	167.66
PCS MOBILE	PANASONIC TOUGH BOOK / POLICE	320274	10/27/15	13,331.00
PENSKE FORD	MOP#49078 AUTO PARTS	320275	10/27/15	461.12
PORTILLO CONCRETE, INC.	SERVICES FOR HIGHLAND AVE SAFETY	320276	10/27/15	289,955.77
POWERSTRIDE BATTERY CO INC	MOP#67839 AUTO PARTS	320277	10/27/15	602.50
PRO BUILD	MOP#45707 MATERIALS / PW	320278	10/27/15	1,293.51
PROCHEM SPECIALTY PRODUCTS INC	FLOOR CLEANER / PW	320279	10/27/15	158.42
PRO-EDGE KNIFE	KNIFE SHARPENING - NUTRITION	320280	10/27/15	46.00
PRUDENTIAL OVERALL SUPPLY	MOP#45742 LAUNDRY SERVICES	320281	10/27/15	212.60
ROMERO'S ROOFING SERVICE INC	CITY WIDE ROOFING SERVICES	320282	10/27/15	3,800.00
S & S WORLDWIDE INC	4 - AUTOMATIC CARD SHUFFLER / CSD	320283	10/27/15	225.52
S D COUNTY SHERIFF'S DEPT	RANGE USE / POLICE	320284	10/27/15	200.00
SAFRAN MORPHOTRUST	NEW EMP FINGERPRINT TEST - SEPT 2015	320285	10/27/15	46.00
SAN DIEGO GAS & ELECTRIC	GAS & ELECTRIC - NUTRITON CENTER	320286	10/27/15	3,097.08
SAN DIEGO MIRAMAR COLLEGE	TUITION: DUI - DRIVING UNDER THE INFLUEN	320287	10/27/15	23.00
SDG&E	GAS & ELECTRIC UTILITIES	320288	10/27/15	284.42
SEAPORT MEAT COMPANY	FOOD / NUTRITION CENTER	320289	10/27/15	830.00
SERVICEMASTER ALLPHASE	LIABILITY CLAIM COSTS	320290	10/27/15	575.10
SIGNCAD SYSTEMS INC	SIGN DESIGN SOFTWARE / ENG	320291	10/27/15	11,400.00
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 LETTERHEAD IMPRINTS	320292	10/27/15	116.64
SOUTH BAY FENCE INC	CITY WIDE FENCE REPAIRS	320293	10/27/15	4,998.00
SOUTHERN CALIF TRUCK STOP	MOP#45758 OIL / PW	320294	10/27/15	113.53
SPOK INC	METROCALL PAGING / MIS	320295	10/27/15	654.46
STAPLES ADVANTAGE	MOP 45704 OFFICE SUPPLIES - MIS	320296	10/27/15	1,847.44



WARRANT REGISTER #17
10/27/2015

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
STARTECH COMPUTERS	MOP 61744 MISC SUPPLIES - MIS	320297	10/27/15	1,465.76
SWEETWATER AUTHORITY	WATER SERVICE UTILITIES	320298	10/27/15	2,644.05
SYMBOLARTS, LLC	BRASS KEYCHAINS / POLICE	320299	10/27/15	1,815.00
SYSCO SAN DIEGO INC	CONSUMABLES/FOOD - NUTRITION	320300	10/27/15	4,300.65
THE HOME DEPOT CREDIT SERVICES	PAINTING SUPPLIES / NSD	320301	10/27/15	217.49
THE LIGHTHOUSE INC	MOP#45726 AUTO PARTS	320302	10/27/15	84.64
THE STAR NEWS	ADVERTISING TNT AUCTION	320303	10/27/15	53.81
THOMSON REUTERS WEST	ON-LINE LEGAL RESEARCH	320304	10/27/15	806.20
TOPECO PRODUCTS	MOP#63849 AUTO PARTS	320305	10/27/15	148.33
TRAFFIC SAFETY MATERIALS LLC	YELLOW TRAFFIC PAINT / PW	320306	10/27/15	476.56
U S HEALTHWORKS	VACCINE / HR	320307	10/27/15	282.00
UNITED RENTALS	961032. CC: 040-1000. MACHINERY / FIRE	320308	10/27/15	5,448.91
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS	320309	10/27/15	607.08
V & V MANUFACTURING	BADGE REPAIRS / POLICE	320310	10/27/15	1,106.24
VALLEY INDUSTRIAL SPECIALTIES	MOP#46453 SUPPLIES / PW	320311	10/27/15	150.13
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL VET CARE / POLICE	320312	10/27/15	1,091.31
VERIZON WIRELESS	CELLULAR SERVICE	320313	10/27/15	92.29
VISTA PAINT	MOP 68834 PAINTING SUPPLIES - NSD	320314	10/27/15	434.51
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES-PW	320315	10/27/15	2,351.04
WESTAIR GASES & EQUIP	MILLERMATIC 211 W/MVP / PW	320316	10/27/15	2,054.07
WESTFLEX INDUSTRIAL	MOP#63850 AUTO PARTS	320317	10/27/15	327.66
WILLY'S ELECTRONIC SUPPLY	MOP 45763 MISC SUPPLIS - PD	320318	10/27/15	262.93

A/P Total 1,271,749.49

WIRED PAYMENTS

PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 09/29/15 - 10/12/15	10222015	10/22/15	336,026.90
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PAYROLL

<u>Pay period</u>	<u>Start Date</u>	<u>End Date</u>	<u>Check Date</u>	
22	10/13/2015	10/26/2015	11/4/2015	894,359.12

GRAND TOTAL

\$2,502,135.51

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.


MARK ROBERTS, FINANCE

LESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

JERRY CANO, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

ALBERT MENDIVIL, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 1st OF DECEMBER, 2015.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: Public Hearing Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way. (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP) (Planning)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. _____

ITEM TITLE:

Public Hearing – Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP)

PREPARED BY:  Martin Reeder, AICP

DEPARTMENT: Planning

PHONE: 336-4313

APPROVED BY: 

EXPLANATION:

Chipotle Mexican Grill, Inc. has applied for a Conditional Use Permit (CUP) to sell beer as an accessory use to the existing restaurant. The restaurant has been in operation since September of this year. Alcohol sales hours would be from 10 a.m. to 11 p.m. daily. A Type 41 (On-Sale Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC). A patio dining area is located in front of the restaurant, but is not part of the proposal. The CUP was approved by Planning Commission on November 2, 2015, by a unanimous vote.

City Council considered a Notice of Decision for this item at their meeting of November 17, 2015. Council held the item over for a public hearing in order to discuss the item further.

The attached background report describes the proposal in detail.

FINANCIAL STATEMENT:

ACCOUNT NO. _____

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Not a project per CEQA

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Conditional Use Permit.
Ayes: Alvarado, Baca, Bush, DeLaPaz, Flores, Garcia, Yamane

ATTACHMENTS:

- | | |
|---------------------------------------|-----------------------------------|
| 1. Background Report | 5. Reduced Plans |
| 2. Recommended Findings | 6. Planning Commission report |
| 3. Recommended Conditions of Approval | 7. Planning Commission resolution |
| 4. Location Map | 8. Public Hearing Notice |

BACKGROUND REPORT

Chipotle Mexican Grill, Inc. has applied for a Conditional Use Permit (CUP) to sell beer as an accessory use to the existing restaurant. The restaurant has been in operation since September of this year. Alcohol sales hours would be from 10 a.m. to 11 p.m. daily. A Type 41 (On-Sale Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC). The CUP was approved by Planning Commission on November 2, 2015, by a unanimous vote. City Council considered a Notice of Decision of the Planning Commission approval at their meeting of November 17, 2015 and held the item over for a public hearing in order to discuss the item further.

Project Location

The 3.12-acre project site is developed with four separate buildings comprising 34,019 square feet of leasable space. There are 140 parking spaces located on the lot. The property is part of the Southport Business Center located south of Mile of Cars Way and west of Hoover Avenue, and is within the MXC-2 (Major Mixed-Use Corridor) zone. Other tenants include offices, restaurants, and a coffee shop. The building in which the subject suite is located is 5,722 square feet in size. The suite itself is 2,493 square feet and located in the center of the building. A 230 square-foot patio is located in front of the restaurant, but is not part of the proposal.

Proposed Use

The applicant is proposing to sell beer inside the restaurant only (not on the patio). Alcohol will be sold at the point of sale. Only beer is proposed to be sold at this location. Beer would be served in 12 oz. bottles with the cap removed (condition of approval). The operating hours of Chipotle are 10 a.m. to 11 p.m. daily, which would also be the proposed alcohol sales hours. No live entertainment is proposed.

Analysis

Section 18.30.050 of the National City Land Use Code allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. In this case, 232 people were notified of the public hearing, as well as for the community meeting.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, July 8, 2015 at 5:30 pm at the subject restaurant. The meeting

advertisement is attached. According to the applicant, no-one appeared for the community meeting. It should be noted that all properties within 660 feet of the property are commercial in nature.

Distance Requirements – Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools. However, restaurants with greater than 30% of their area devoted to seating (as applies in this case) are exempt from these distance requirements. There are no schools within 660 ft.; the nearest school is Kimball Elementary School, which is located over 1,500 feet away.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Major Mixed-Use Corridor zone pursuant to a Conditional Use Permit, and the proposed alcohol sales meet the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. Alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone. No Specific Plans exist in this location.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial space, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected. Access to and from the site is provided by Mile of Cars Way, an arterial street operating at a Level of Service (LOS) of B. The current ADT capacity of Mile of Cars Way is 40,000 with a current ADT of 17,000; therefore, it is not expected that alcohol sales would result in an increase in ADT such that the LOS would be affected.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use would be accessory to the existing restaurant use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be compatible with other nearby businesses that also sell alcohol as an accessory use. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. In addition, the proposed use is identical to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

There is an additional finding which must be made for alcohol sales CUP applications. The finding is that the proposed use is deemed essential and desirable to the public convenience and necessity. In this case the alcohol sales will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

There are also three findings for denial based on the amount of existing on-sale outlets, as discussed in the "Alcohol Sales Concentration/Location" section below.

Department and Agency Comments

Alcohol Sales Concentration/Location – Per ABC, there are currently nine on-sale permits issued in the subject census tract (219). These permits are:

Name	Address	License Type*
Club 13	640 Civic Center Dr.	40
Stoney's Bar & Grill	108 W. 25 th St.	47
The Waterfront Grill	3201 Marina Way	47
Buster's Beach House	740 Bay Marina Dr.	47
Goody's Sushi & Grill	2424 Hoover Ave.	41
Clarion (Hotel)	700 National City Blvd.	47
Eagles Aerie 2712	1131 Roosevelt Ave.	51
Papa Gallo Café	1930 Cleveland Ave.	41
Aunt Emma's Pancakes	214 National City Blvd.	41

* Type 40 – On-Sale Beer

Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place

Type 47 - On-Sale General for Bona Fide Public Eating Place

Type 51 - Club

Of the nine licenses, seven are restaurants, one a bar, and one a private license (Eagles Aerie 2712). The subject use is consistent with other on-sale businesses, all of which are consistent with the MXC-2 zone.

Census tract 219 includes the area of west of National City Blvd. from the northern City boundary to the southern boundary. The attached census tract map shows the location of the subject tract. ABC recommends a total of seven on-sale alcohol permits be issued in this census tract, where nine exist.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 24) had a current (January to August 2015) crime rate of 237.5%, above the 120% considered to be a high crime area. Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Chipotle received 13 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies (IPS)

IPS made mention of the license over-concentration in the census tract and encouraged that staff and management attend Responsible Beverage Sales and Service training. The training is included as a Condition of Approval.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per Council policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone. The proposed use would be accessory to the existing restaurant use in an existing commercial area, which is not expected to increase the demand for parking or other services on the property. Chipotle Mexican Grill has only been in business at this location for a short time. However, the addition of alcohol sales is not expected to have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, the subject location is a family restaurant where alcohol will only be available with the sale of food.

As a recap, the purpose of tonight's hearing is to discuss the merits of the project and to make a decision based on the attached findings for approval or denial, or based on findings to be made by the Council. Staff is recommending approval of the CUP.

The options available to the Council are as follows:

1. Approve 2015-18 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-18 CUP based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

RECOMMENDED FINDINGS FOR APPROVAL
2015-18 CUP, 404 Mile of Cars Way

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone, and because no Specific Plans exist in this location.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on Mile of Cars Way based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL
2015-18 CUP, 404 Mile of Cars Way

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets; nine on-sale outlets are permitted where seven are recommended by the California Department of Alcoholic Beverage Control.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because seven other on-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2015-18 CUP, 404 Mile of Cars Way

General

1. This *Conditional Use Permit* authorizes the sale of beer at an existing restaurant located at 404 Mile of Cars Way. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2015-18 CUP, dated 8/27/2015.
2. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

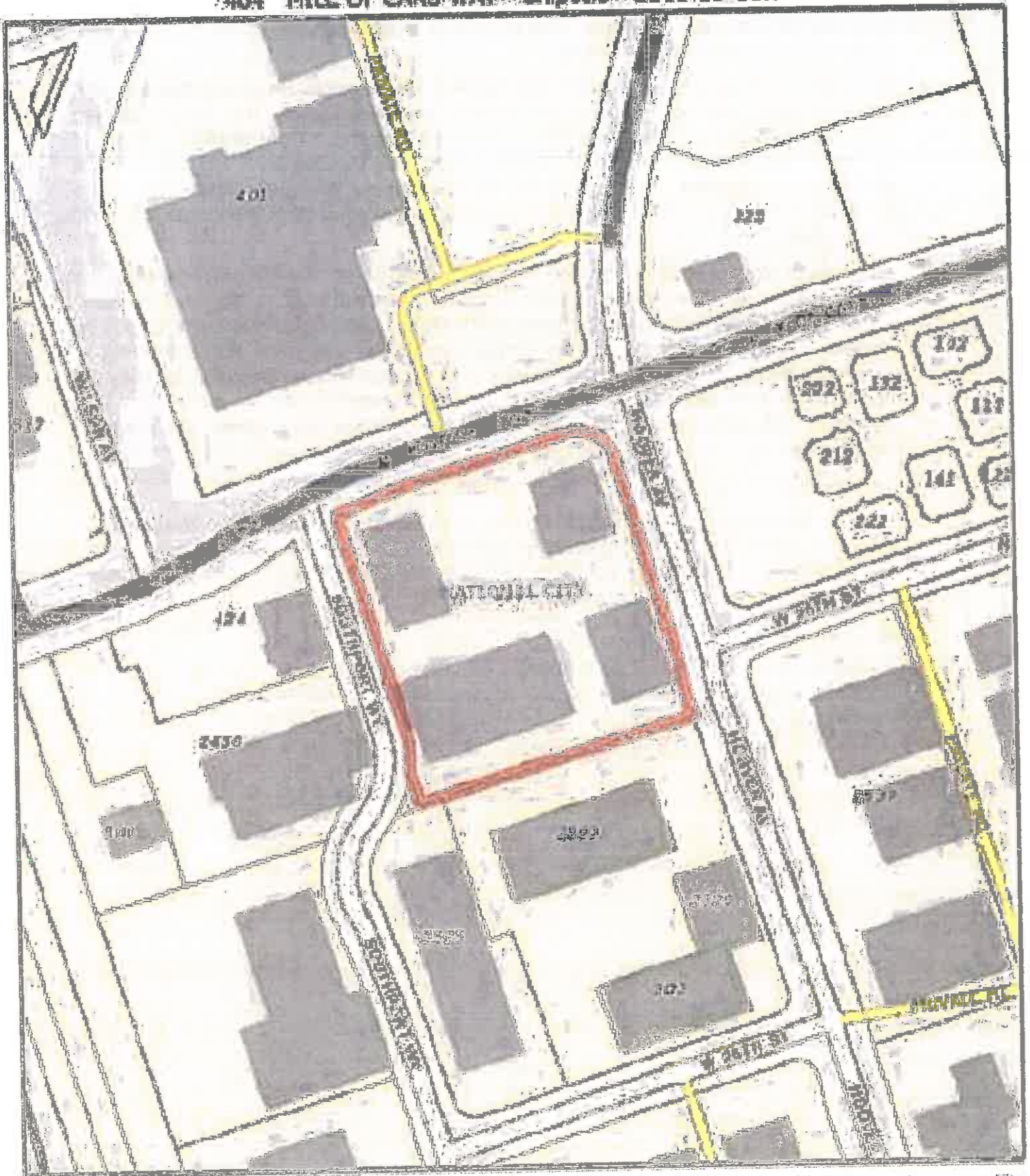
7. Beer shall only be offered in 12 oz. bottles; the cap shall be removed and discarded by a staff member after purchase and prior to being served to the customer.
8. No beer is permitted to be consumed on the patio or anywhere outside the restaurant.
9. Permittee shall post signs in the dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken out to the patio area.

10. The sale of alcoholic beverages shall be limited to between the hours of 10:00 a.m. and 11:00 p.m. seven days a week.
11. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
12. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
13. Alcohol shall be available only in conjunction with the purchase of food.
14. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Police

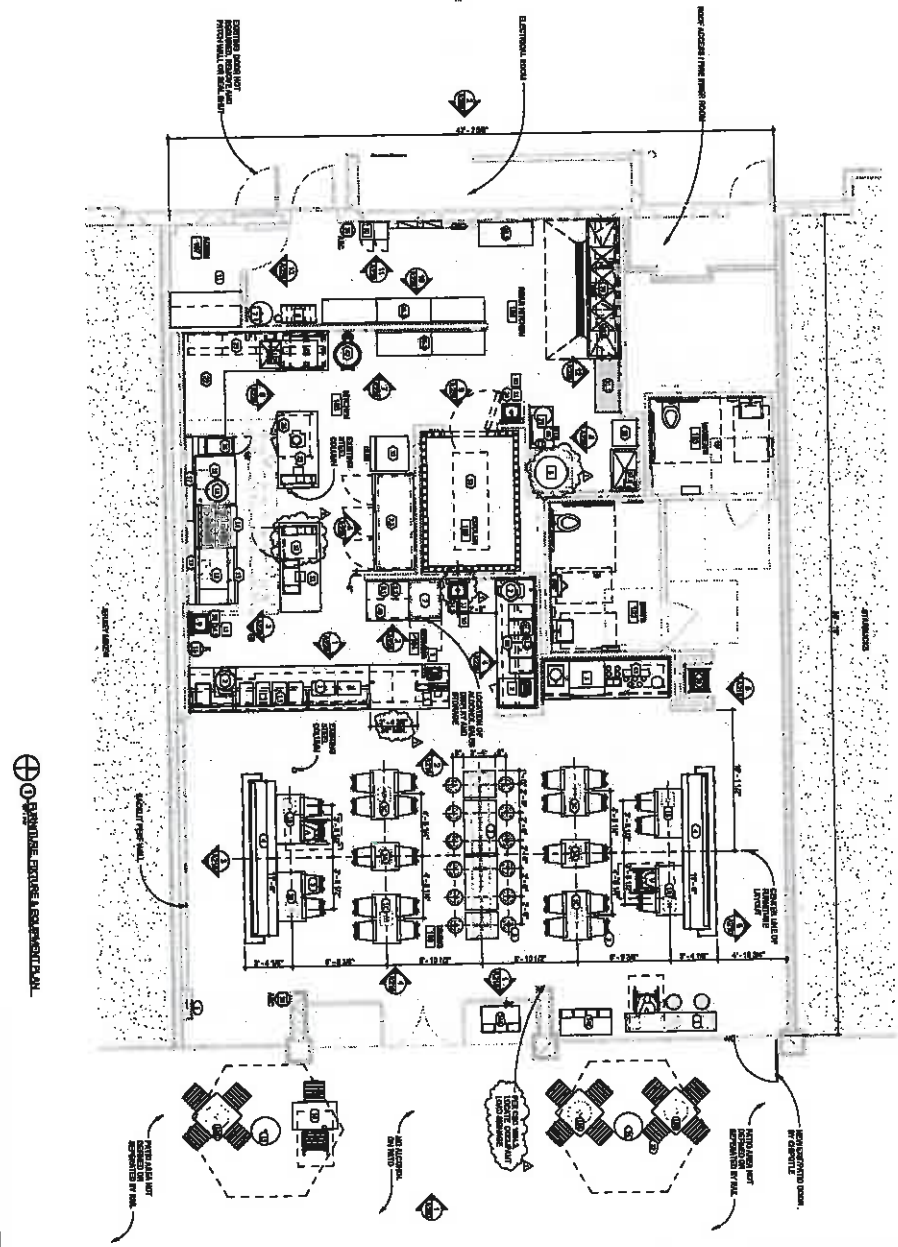
15. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

404 MILE OF CARS WAY - Chipotle - 2015-18 CUP



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey or zoning verification. 1 inch = 100 feet 10/22/2015





GENERAL NOTES

- [illegible]

JOHN M. DUNCAN
A B C H I P C E M

6626 Santa Fe Drive
Suite 304
Overland Park, KS 66212
913-341-2488
913-341-2455 fax

**FOR
CONSTRUCTION**



CHARTERED ASSOCIATION OF L.A. BUS
MAKING COMPANY, INC., 1000
BAYVIEW, OAKLAND, CALIF.
TEL: (415) 762-1100
FAX: (415) 762-1101
WWW.CHARTEREDASSOCIATION.COM

National City
Store No. 2600
404 Mile of Cars Way
National City, CA 91950

[illegible]**Fixtures, Furniture &
Equipment Plan**

A130



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR ALCOHOL
SALES AT CHIPOTLE RESTAURANT LOCATED AT
404 MILE OF CARS WAY.

Case File No.: 2015-18 CUP

Property Location: Southport Business Center

Assessor's Parcel No.: 562-340-15

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Chipotle Mexican Grill, Inc.

Property owner: H G Fenton

Zoning designation: Major Mixed-Use Corridor (MXC-2)

Project size: 3.12 acres

Adjacent land use/zoning:

North: County Operations Offices/ITT Tech across Mile of
Cars Way / MCR-2 (Multi-Use Commercial-Residential)

East: Office Use / MXC-2

South: Southport Business Center / MXC-2 and IL (Light
Industrial)

West: Denny's across Southport Way / MXC-2

Environmental review: Not a project per CEQA

Staff Recommendation: Approve

BACKGROUND

Chipotle Mexican Grill, Inc. has applied for a Conditional Use Permit (CUP) to sell beer as an accessory use to the existing restaurant. The restaurant has been in operation since September of this year. Alcohol sales hours would be from 10 a.m. to 11 p.m. daily. A Type 41 (On-Sale Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Project Location

The 3.12-acre project site is developed with four separate buildings comprising 34,019 square feet of leasable space. There are 140 parking spaces located on the lot. The property is part of the Southport Business Center located south of Mile of Cars Way and west of Hoover Avenue, and is within the MXC-2 (Major Mixed-Use Corridor) zone. Other tenants include offices, restaurants, and a coffee shop. The building in which the subject suite is located is 5,722 square feet in size. The suite itself is 2,493 square feet and located in the center of the building. A 230 square-foot patio is located in front of the restaurant, but is not part of the proposal.

Proposed Use

The applicant is proposing to sell beer inside the restaurant only (not on the patio). Alcohol will be sold at the point of sale. Only beer is proposed to be sold at this location. Beer would be served in 12 oz. bottles with the cap removed (condition of approval). The operating hours of Chipotle are 10 a.m. to 11 p.m. daily, which would also be the proposed alcohol sales hours. No live entertainment is proposed.

Analysis

Section 18.30.050 of the National City Land Use Code allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. In this case, 232 people were notified of the public hearing, as well as for the community meeting.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, July 8, 2015 at 5:30 pm at the subject restaurant. The meeting advertisement is attached. According to the applicant, no-one appeared for the community meeting. It should be noted that all properties within 660 feet of the property are commercial in nature.

Distance Requirements – Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools. However, restaurants with greater than 30% of their area devoted to seating (as applies in this case) are exempt from these distance requirements. There are no schools within 660 ft.; the nearest school is Kimball Elementary School, which is located over 1,500 feet away.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Major Mixed-Use Corridor zone pursuant to a Conditional Use Permit, and the proposed alcohol sales meet the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. Alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone. No Specific Plans exist in this location.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial space, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected. Access to and from the site is provided by Mile of Cars Way, an arterial street operating at a Level of Service (LOS) of B. The current ADT capacity of Mile of Cars Way is 40,000 with a current ADT of 17,000; therefore, it is not expected that alcohol sales would result in an increase in ADT such that the LOS would be affected.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use would be accessory to the existing restaurant use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be compatible with other nearby businesses that also sell alcohol as an accessory use. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. In addition, the proposed use is identical to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

There is an additional finding which must be made for alcohol sales CUP applications. The finding is that the proposed use is deemed essential and desirable to the public convenience and necessity. In this case the alcohol sales will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

There are also three findings for denial based on the amount of existing on-sale outlets, as discussed in the "Alcohol Sales Concentration/Location" section below.

Department and Agency Comments

Alcohol Sales Concentration/Location – Per ABC, there are currently nine on-sale permits issued in the subject census tract (219). These permits are:

Name	Address	License Type*
Club 13	640 Civic Center Dr.	40
Stoney's Bar & Grill	108 W. 25 th St.	47
The Waterfront Grill	3201 Marina Way	47
Buster's Beach House	740 Bay Marina Dr.	47
Goody's Sushi & Grill	2424 Hoover Ave.	41
Clarion (Hotel)	700 National City Blvd.	47
Eagles Aerie 2712	1131 Roosevelt Ave.	51
Papa Gallo Café	1930 Cleveland Ave.	41
Aunt Emma's Pancakes	214 National City Blvd.	41

* Type 40 – On-Sale Beer

Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place

Type 47 - On-Sale General for Bona Fide Public Eating Place

Type 51 - Club

Of the nine licenses, seven are restaurants, one a bar, and one a private license (Eagles Aerie 2712). The subject use is consistent with other on-sale businesses, all of which are consistent with the MXC-2 zone.

Census tract 219 includes the area of west of National City Blvd. from the northern City boundary to the southern boundary. The attached census tract map shows the location of the subject tract. ABC recommends a total of seven on-sale alcohol permits be issued in this census tract, where nine exist.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 24) had a current (January to August 2015) crime rate of 237.5%, above the 120% considered to be a high crime area. Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Chipotle received 13 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies (IPS)

IPS made mention of the license over-concentration in the census tract and encouraged that staff and management attend Responsible Beverage Sales and Service training. The training is included as a Condition of Approval.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per Council policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone. The proposed use would be accessory to the existing restaurant use in an existing commercial area, which is not expected to increase the demand for parking or other services on the property. Chipotle Mexican Grill has only been in business at this location for a short time. However, the addition of alcohol sales is not expected to have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, the subject location is a family restaurant where alcohol will only be available with the sale of food.

OPTIONS

1. Approve 2015-18 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-18 CUP based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Location Map
4. Site photos
5. Applicant's Plans (Exhibit A, case file no. 2015-18 CUP, dated 8/27/2015)
6. Community meeting advertisement and rental agreement
7. Police Department and Institute for Public Strategies comments
8. Census Tract Map and Police Beat Map
9. Public Hearing Notice (Sent to 242 property owners and occupants)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2015-18 CUP, 404 Mile of Cars Way

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone, and because no Specific Plans exist in this location.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on Mile of Cars Way based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL
2015-18 CUP, 404 Mile of Cars Way

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2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because seven other on-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2015-18 CUP, 404 Mile of Cars Way

General

1. This *Conditional Use Permit* authorizes the sale of beer at an existing restaurant located at 404 Mile of Cars Way. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2015-18 CUP, dated 8/27/2015.
2. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
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Planning

7. Beer shall only be offered in 12 oz. bottles; the cap shall be removed and discarded by a staff member after purchase and prior to being served to the customer.
8. No beer is permitted to be consumed on the patio or anywhere outside the restaurant.
9. Permittee shall post signs in the dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken out to the patio area.

10. The sale of alcoholic beverages shall be limited to between the hours of 10:00 a.m. and 11:00 p.m. seven days a week.
11. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
12. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
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Police

15. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

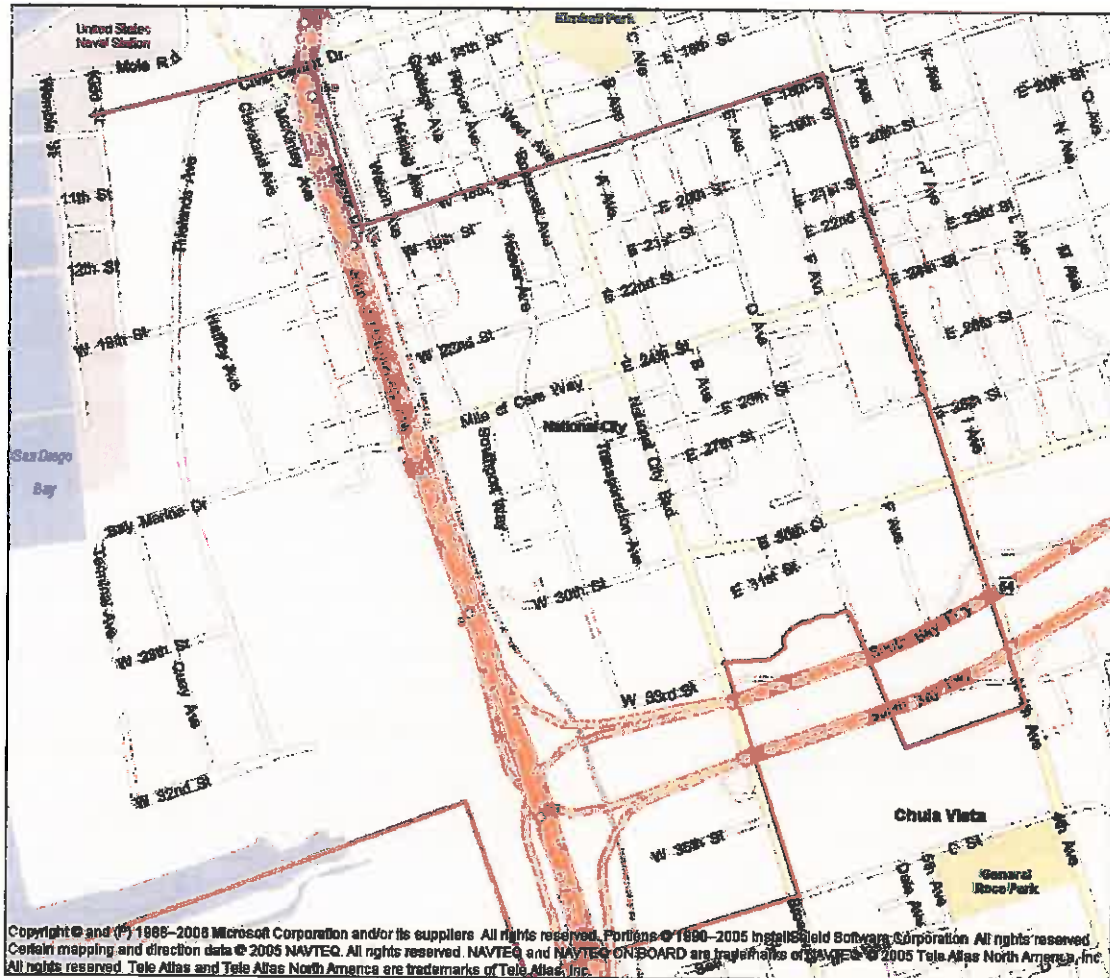
2015-18 CUP – Chipotle – Site Photos



Existing building looking northwest



Subject suite looking northwest



City of National City Beat 24

Source: Microsoft Mappoint
NCPD CAU, 4/18/07



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 09/10/15

BUSINESS NAME: Chipotle

ADDRESS: 404 Mile of Cars Way, National City, CA 91950

OWNER NAME: Chipotle Mexican Grill, Inc DOB: N/A

OWNER ADDRESS: 2222 Damon Street, Los Angeles, CA 90021

(add additional owners on page 2)

I. Type of Business

- ☒ Restaurant (1 pt)
☐ Market (2 pts)
☐ Bar/Night Club (3 pts)

II. Hours of Operation

- ☐ Daytime hours (1 pt)
☒ Close by 10pm (2 pts)
☐ Close after 10pm (3 pts)

III. Entertainment

- ☐ Music (1 pt)
☐ Live Music (2 pts)
☐ Dancing/Live Music (3 pts)

IV. Crime Rate

- ☐ Low (1 pt)
☐ Medium (2 pts)
☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

Notes:

Crime Rate - over 120%

Census Tract - 219

Allowed Type 47 - (8) On-sale

(4) Off-sale

Current Licenses - (9) On-sale

(6) Off-sale

Oversaturated Census Tract

VI. Calls for Service at Location (for previous 6 months)

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ☒ Mostly commercial businesses (1 pt)
☐ Some businesses, some residential (2 pts)
☐ Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 13

VIII. Owner(s) records check

- ☒ No criminal incidents (0 pts)
☐ Minor criminal incidents (2 pts)
☐ Multiple/Major criminal incidents (3 pts)

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

Recommendation:

- NCPD does not have a proactive enforcement unit for ABC outlets.
- (8) On-sale licenses are allowed, census tract 219 - currently have (9) On-sale
- (4) Off-sale licenses are allowed, census tract 219 - currently (6) Off-Sale
-High crime area - crime rate in the area is 237.5%, well above the 120% average ABC
a high crime rate

Completed by: Graham Young, Lt Badge ID: 365



ABC Report
2015 ABC Report NCPD

Required Parameters

Reporting Period: 01/2015 to 08/2015
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 024

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	2
ROBBERY	9
AGGRAVATED ASSAULT	29
BURGLARY	17
LARCENY	52
MOTOR VEHICLE THEFT	43
Total Part I Crime:	152

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	6
OTHER PART II CRIMES	251
CHILD AND FAMILY	7
DEADLY WEAPONS	5
EMBEZZLEMENT	4
FRAUD	4
GAMBLING	0
MALICIOUS MISCHIEF	3
NARCOTICS	37
SEX CRIMES	1
FORGERY	2
OTHER NON-CRIMINAL	24
Total Part II Arrest:	344

Beat Total = Part I Crime + Part II Arrest: 496

BeatAve. (Agency / Beat): 208.9

Agency Wide Total = Part I Crime + Part II Arrest: 2,924

Beat Total as % of Beat Average: : 237.5%
(120% is considered high crime area)

9 - on sale

6 - off sale



**California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Retail Licenses)
and Census Tract = 219**

Report as of 9/20/2015

	License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
off	1) 361854	ACTIVE	20	1/25/2000	12/31/2015	RAZOOKY BROS INC 1643 WILSON AVE NATIONAL CITY, CA 91950 Census Tract: 0219.00	ARIDO MARKET		8708
on	2) 395760	ACTIVE	40	3/25/2003	2/29/2016	MAGADAN, ANA BETANZOS 840 CIVIC CENTER DR NATIONAL CITY, CA 91950 Census Tract: 0219.00	CLUB 13	1651 MALTA AVE CHULA VISTA, CA 91911	8708
off	3) 428259	ACTIVE	47	10/5/2005	9/30/2015	NIGHTTRAIN ENTERPRISES INC 108 W 25TH ST, UNITS D-G NATIONAL CITY, CA 91950 Census Tract: 0219.00	STONEYS BAR & GRILL	765 MARBELLA CIR CHULA VISTA, CA 91910	8708
off	4) 474554	ACTIVE	20	5/20/2009	4/30/2016	NATL CITY COMPLEX INC 133 W 8TH ST NATIONAL CITY, CA 91950-1129 Census Tract: 0219.00	NATL CITY COMPLEX INC		8708
on	5) 479742	ACTIVE	47	9/3/2009	8/31/2016	PIER 32 WATERFRONT GRILL LLC 3201 MARINA WAY, STE 102 NATIONAL CITY, CA 91950-8301 Census Tract: 0219.00	WATERFRONT GRILL THE	4880 N HARBOR DR, # 200 SAN DIEGO, CA 92106	8708
on	6) 489545	ACTIVE	47	7/23/2010 3:29:48 PM	6/30/2016	UBG RESTAURANTS INC 740 BAY MARINA DR NATIONAL CITY, CA 91950-8427 Census Tract: 0219.00	BUSTORS BEACH HOUSE AND LONG BOARD BAR		8708
off	7) 513372	ACTIVE	20	10/27/2011 1:58:59 PM	9/30/2015	NATIONAL CITY PETROLEUM INC 10 OSBORN ST NATIONAL CITY, CA 91950-1115 Census Tract: 0219.00	NATIONAL CITY VALERO		8708
on	8) 517630	ACTIVE	41	3/19/2012 3:47:29 PM	2/29/2016	RATSACHAK RESTAURANT GROUP LLC 2424 HOOVER AVE, BLDG 5A STES F & P NATIONAL CITY, CA 91950-8552 Census Tract: 0219.00	GOODY'S SUSHI & GRILL		8708
on	9) 531853	ACTIVE	47	5/31/2013 8:06:16 AM	4/30/2016	OAK SOUTH LP 700 NATIONAL CITY	CLARION NATIONAL CITY	21725 GATEWAY CENTER DR	8708

						BLVD NATIONAL CITY, CA 91950 Census Tract: 0219.00		DIAMOND BAR, CA 91765	
Off	10)	5332	ACTIVE	21	1/22/1973	2/29/2016	ATTIQ, LOUIS 110 NATIONAL CITY BLVD NATIONAL CITY, CA 91950 Census Tract: 0219.00	ONE TEN LIQUOR & MARKET	3708
Off	11)	546503	ACTIVE	20	9/29/2014 1:04:24 PM	8/31/2016	DIKHO, GHALI S 1540 COOLIDGE AVE NATIONAL CITY, CA 91950-4424 Census Tract: 0219.00	BIG B MARKET & DELI	3708
on	12)	54761	ACTIVE	51	6/10/1966	1/31/2016	EAGLES LODGE AERIE 2712 1131 ROOSEVELT AVE NATIONAL CITY, CA 91950 Census Tract: 0219.00	EAGLES AERIE 2712	3708
off	13)	551696	ACTIVE	21	4/7/2015 7:58:24 AM	3/31/2016	J & A COZI BAZZI INC 402 CIVIC CENTER DR NATIONAL CITY, CA 91950-4321 Census Tract: 0219.00	COZINES GROCERY	3708
on	14)	553292	ACTIVE	41	6/8/2015 2:52:24 PM	5/31/2016	PAPA GALLO, LLC 1930 CLEVELAND AVE NATIONAL CITY, CA 91950-5415 Census Tract: 0219.00	PAPA GALLO CAFE	230 GLOVER AVE STE K CHULA VISTA, CA 91910 3708
on	15)	555621	ACTIVE	41	6/12/2015 10:28:27 AM	5/31/2016	AUNT EMMAS PANCAKES 214 NATIONAL CITY BLVD NATIONAL CITY, CA 91950-1109 Census Tract: 0219.00	AUNT EMMAS PANCAKES	3708

--- End of Report ---

For a definition of codes, view our [glossary](#).

Environmental Scan for Alcohol License C.U.P.

Chipotle Restaurant

404 Mile of Cars Way National City, CA 91950

September 14, 2015



Photo of Chipotle Restaurant in National City



Google Earth View of 404 Mile of Cars Way.
and Surrounding Area

According to the ABC, seven (7) on-site licenses are authorized for Census Tract 219, the census track within the area of which the Chipotle Restaurant is located. Currently there are nine (9) off-sale licenses issued for the Census Tract is 219. This number exceeds the census track allocation by 2.

The business is the Chipotle Restaurant, a restaurant with sales of food from a menu and beverages. During a scan of the business and property the following was noted:

The business is one of several businesses located in one strip of property with other businesses in the immediate area.

The Chipotle Restaurant will be approximately 70 feet away from Goody's Sushi & Grill. This business has a type 41 license.

Funded by the San Diego County Health and Human Services Agency
2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

Youth Sensitive Areas

The business is not located near any youth sensitive areas.

Churches

The business is not located near any churches in the area.

Outlet Density

According to the ABC, six (7) on-site licenses are authorized for Census Tract 219, the census track within the area of which the Chipotle Restaurant is located. Currently there are four (9) on-sale licenses issued for the Census Tract is 219. This number exceeds the census track allocation by 2.



Green Arrow and **Red Pin** depict applicant's location for "Chipotle" at 404 Mile of Cars Way, National City.

Yellow Circles depict existing alcohol outlets in applicant's census tract and other Nearby Census Tracts

Map from ABC.CA.Gov Website Showing Alcohol Outlets in National City

Census Tracts

	Off-Sale	On-Sale
Tract 219 <i>Establishment is within this tract</i>	Allowed: 4 Actual: 6 Number Above/Below Allowable: +2	Allowed: 7 Actual: 9 Above/Below: +2
	Off-Sale	On-Sale

Crime Rate

Please refer to Police Department report.

Considerations

The Crime Rate is unknown for this location. A follow up request for this information from personnel within the City of National City, may result in obtaining the crime rate for this location.

We would recommend that the staff, management, and owner attend the Responsible Beverage Sales and Service training.

NOTICE OF NEIGHBORHOOD MEETING

Chipotle Mexican Grill has submitted a Conditional Use Permit application to the National City Planning Department for the on-site sale of a full line of alcoholic beverages secondary to the operation of their proposed restaurant at 404 Mile of Cars Way, Suite 103.

We invite you to attend a neighborhood meeting to learn more about the application.

Meeting information:

National City Chamber of Commerce

901 National City Blvd

National City CA 91950

DATE: Thursday, September 10, 2015

TIME: 7:00 pm

All interested persons are invited to attend.

We look forward to seeing you there!

If you have any questions, please email Margaret Taylor, Margaret@apex-la.com.

Merchant: NATIONAL CITY CHAMBER OF COMMERCE

901 NATIONAL CITY BLVD
NATIONAL CITY, CA 91950
US

(619) 477-9339

Order Information

Description: Sept 10 Conference Room Rental

Order Number:

P.O. Number:

Customer ID:

Invoice Number: Code 4301

Billing Information

Mihail Obogeanu
5419 Hollywood Blvd St C747
Los Angeles, CA 920027
USA

Shipping Information

Mihail Obogeanu
5419 Hollywood Blvd St C747
Los Angeles, CA 920027
USA

Shipping: 0.00
Tax: 0.00
Total: USD 200.00

MasterCard XXXX5469

Date/Time: 20-Aug-2015 17:58:44 MDT
Transaction ID: 7456009849
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Captured/Pending Settlement
Authorization Code: 07032G
Payment Method: MasterCard XXXX5469



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR ALCOHOL SALES AT
CHIPOTLE RESTAURANT LOCATED AT 404 MILE OF CARS WAY.
CASE FILE NO.: 2015-18 CUP
APN: 562-340-15

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 2, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Chipotle Mexican Grill, Inc.)

The applicant is proposing to sell beer and wine inside the restaurant only (not on the patio) between the hours of 10 a.m. to 11 p.m. daily. No live entertainment is proposed.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **November 2, 2015**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

A blue ink signature, likely of Brad Raulston, consisting of several overlapping loops and a long horizontal stroke.

BRAD RAULSTON
Executive Director

RESOLUTION NO. 2015-22

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT CHIPOTLE RESTAURANT LOCATED AT 404 MILE OF CARS WAY,
CASE FILE NO. 2015-18 CUP
APN: 562-340-15**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at Chipotle Restaurant located at 404 Mile of Cars Way at a duly advertised public hearing held on November 2, 2015, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-18 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 2, 2015, support the following findings:

- 1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone.**
- 2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone, and because no Specific Plans exist in this location.**
- 3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, and**

because the sale of beer is not expected to appreciably increase traffic on Mile of Cars Way based on the current capacity and traffic numbers.

4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes the sale of beer at an existing restaurant located at 404 Mile of Cars Way. Plans submitted for permits associated with this project shall conform with Exhibit A, Case File No. 2015-18 CUP, dated 8/27/2015.
2. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.

5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

7. Beer shall only be offered in 12 oz. bottles; the cap shall be removed and discarded by a staff member after purchase and prior to being served to the customer.
8. No beer is permitted to be consumed on the patio or anywhere outside the restaurant.
9. Permittee shall post signs in the dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken out to the patio area.
10. The sale of alcoholic beverages shall be limited to between the hours of 10:00 a.m. and 11:00 p.m. seven days a week.
11. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
12. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
13. Alcohol shall be available only in conjunction with the purchase of food.
14. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Police

15. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 2, 2015, by the following vote:

AYES: Alvarado, Baca, Bush, DelaPaz, Flores, Garcia, Yamane

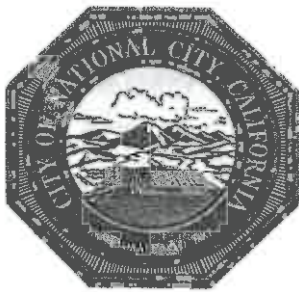
NAYS:

ABSENT:

ABSTAIN:



CHAIRPERSON



**CITY OF NATIONAL CITY
Office of the City Clerk**

1243 National City Blvd., National City, California 91950
619-336-4228 phone / 619-336-4229 fax

Michael R. Dalla, CMC - City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., **Tuesday, December 1, 2015**, in the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider a:

**CONDITIONAL USE PERMIT FOR BEER SALES AT
CHIPOTLE RESTAURANT LOCATED AT 404 MILE OF
CARS WAY.**

Anyone interested in this matter may appear at the above time and place and be heard.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the undersigned, or to the City Council of the City of National City at, or prior to, the Public Hearing.

The Planning Commission conducted a Public Hearing at their meeting of November 2, 2015 and voted unanimously to recommend approval of the Conditional Use Permit.

November 18, 2015



Michael R. Dalla, CMC
City Clerk

The following page(s) contain the backup material for Agenda Item: An Ordinance of the City Council of the City of National City amending Chapter 6.04 of the National City Municipal Code by amending Section 6.04.210 to extend the Free Resource and Energy Business Evaluation (FREBE) program. (Planning) **Companion Items

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. |

ITEM TITLE:

An Ordinance of the City Council of the City of National City amending Chapter 6.04 of the National City Municipal Code by amending Section 6.04.210 to extend the Free Resource and Energy Business Evaluation (FREBE) program. (Planning)

PREPARED BY: Raymond Pe

PHONE: 336-4421

DEPARTMENT: Planning Division

APPROVED BY: 

EXPLANATION:

In 2011, the City Council adopted the Climate Action Plan (CAP) with the goal of reducing National City's greenhouse gas emissions to 15 percent below 2005 levels by 2020. This goal is consistent with California's Global Warming Solutions Act of 2006 (AB32). One of the CAP emission reduction measures encourages energy audits of existing buildings to inform owners of their energy usage. This measure is being implemented for businesses in the City through the Free Resource and Energy Business Evaluations (FREBE) program, which is administered by the City of Chula Vista on behalf of the City.

On June 2, 2015, the City entered into a memorandum of understanding with the City of Chula Vista to administer the FREBE program in National City through December 31, 2015. The City of Chula Vista has offered to provide an additional five years of support through the South Bay Energy Action Collaborative (SoBEAC) with funding through its Local Government Partnership with SDG&E. Chula Vista has operated the FREBE program in Chula Vista since 2008 and has indicated that the first year of the program in National City has been very successful and well-received by businesses. The proposed ordinance amendment would extend the effective date of the National City FREBE program to December 31, 2020.

FINANCIAL STATEMENT:

ACCOUNT NO. Not Applicable

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This activity is not a project as defined in Section 15378 of the California Code of Regulations; therefore, no further action is required under the California Environmental Quality Act.

ORDINANCE: ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Introduce the Ordinance for first reading.

BOARD / COMMISSION RECOMMENDATION:

Not Applicable.

ATTACHMENTS:

1. Background Report

Background Report

Climate Action Plan

In 2011, the City Council adopted the Climate Action Plan (CAP) with the goal of reducing National City's greenhouse gas emissions to 15 percent below 2005 levels by 2020. This goal is consistent with California's Global Warming Solutions Act of 2006 (AB32). The CAP found that commercial and industrial operations accounted for 25 percent of community-wide emissions in 2005 and forecasted an increase to 38 percent by 2030 under the 'business-as-usual' scenario, i.e. if no additional measures are taken to reduce emissions.

The CAP includes emission reduction measures that could be implemented to achieve the 2020 goal. One of these measures encourages energy audits of buildings to inform owners of their energy usage. This measure is being implemented for businesses in the City through the Free Resource and Energy Business Evaluations (FREBE) program, which is administered by the City of Chula Vista on behalf of the City.

CAP Implementation Study

In 2014, the City initiated a study to identify potential policies and programs that could be implemented to help achieve CAP goals. This effort was funded through the South Bay Energy Action Collaborative (SoBEAC), a cooperative initiative between National City, Chula Vista, Imperial Beach, and Coronado with the goal of advancing energy efficiency and conservation efforts among the member cities. SoBEAC is a Local Government Partnership funded through SDG&E.

After a review of innovative energy and water saving programs in effect throughout the state, Chula Vista's FREBE program stood out for its effectiveness in helping businesses reduce utility costs through energy and water saving measures. The program began in 2008 and has since been very successful with high participation. Evaluations are conducted when convenient for businesses, which receive customized recommendations to save energy and water and to implement sustainable practices. Businesses have no obligation to carry out the recommendations since implementation is voluntary.

In Chula Vista, roughly 600 businesses are evaluated annually, and approximately 65 percent choose to implement one or more recommendations. In addition, businesses are referred to the SDG&E Business Energy Solutions Program, which provides energy efficiency equipment upgrades at no-cost to small and medium sized businesses. The average participant saves over \$4,000 in annual energy costs. Chula Vista reports that many businesses see utility bill savings on their next bill following evaluations and many are inspired to continue making other sustainable improvements.

Memorandum of Understanding

On June 2, 2015, the City entered into a memorandum of understanding with the City of Chula Vista to administer the FREBE program in National City through December 31, 2015. The City of Chula Vista has offered to provide an additional five years of support through the South Bay Energy Action Collaborative (SoBEAC) with funding through its Local Government Partnership with SDG&E.

Chula Vista has indicated that the first year of the FREBE program in National City has been very successful and well-received by businesses. Nearly 100 businesses have been evaluated since late July, and about 40 percent are referred to SDG&E's Business Energy Solutions Program. A proposed MOU would allow the City of Chula Vista to continue to administer the FREBE program in National City through December 31, 2020.

Ordinance Amendment

On June 16, 2015, the City Council adopted Ordinance No. 2015-2404, which codified the energy and water evaluation requirement for businesses by amending Municipal Code Chapter 6.04. The proposed ordinance amendment would extend the effective date of the FREBE program to December 31, 2020.

There are approximately 2,600 business licensees operating in the City. However, only businesses occupying a physical storefront or office on a commercial utility meter are required to participate in the program. Furthermore, the ordinance does not require businesses to implement any of the energy or water efficiency recommendations.

Evaluations are approximately 30 minutes in duration and conducted in the presence of the business owner or manager. Trained evaluators conduct a review of utility bills, building systems (e.g. lighting, cooling, and heating), building envelopes (e.g. windows, doors, and insulation), office equipment, appliances, and operational procedures.

Results of the evaluation and detailed strategies to reduce utility costs are provided to the business. Recommendations may include low- or no-cost measures, such as behavior modification, as well as other measures that may require an investment. Evaluators also identify incentives, rebates, and low cost financing options that could reduce or eliminate implementation costs.

Fiscal Impact

Chula Vista anticipates that FREBE program funding will continue to be provided through SoBEAC as part of its Local Government Partnership with SDG&E. There will be no direct impact on the General Fund of the City. Staff costs associated with implementation of the program would be minimal. Most of the program implementation costs would be directly provided as in-kind support by the City of Chula Vista.

ORDINANCE NO. 2015 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AMENDING CHAPTER 6.04 OF THE NATIONAL CITY MUNICIPAL CODE
BY AMENDING SECTION 6.04.210 TO EXTEND THE FREE
RESOURCE AND ENERGY BUSINESS EVALUATION PROGRAM

WHEREAS, on June 16, 2015, the City Council adopted Ordinance 2015-2404 adding Section 6.04.020 to the National City Municipal Code pertaining to the Free Resource and Energy Business Evaluation (FREBE) Program (the “Program”); and

WHEREAS, the Program provides free resource and energy evaluation of businesses by the City, and provides the businesses with custom recommendations to reduce energy and water use; and

WHEREAS, the City entered into a Memorandum of Understanding with the City of Chula Vista to administer a pilot FREBE program through December 31, 2015; and

WHEREAS, Ordinance 2015-2404 has a provision that the Ordinance would sunset at the end of 2015; and

WHEREAS, the amended ordinance would extend the Program through December 31, 2020; and

WHEREAS, the City anticipates entering into a new Memorandum of Understanding with the City of Chula Vista to administer the FREBE program for an additional five years through December 31, 2020.

NOW THEREFORE, the City Council of the City of National City does ordain as follows:

Section 1. Chapter 6.04 of the National City Municipal Code is amended by amending section 6.04.210 to read as follows:

6.04.210 Free Resource and Energy Business Evaluation (FREBE) Program.

A. Every business not exempt pursuant to subsection C, below shall receive a free resource and energy evaluation for facilities under its operational control.

B. Upon notice from the City, the business principal or designee, shall:

1. Set a date for the evaluation within forty-five days of the notice;
2. Allow City staff or its designated program partner access to the facilities under his or her operational control during regular business hours; and
3. Authorize City staff or its designated program partner to review the historical energy and water usage for the business.

C. The following businesses are exempt from the requirements of this Section:

1. Any business that does not have a commercial utility gas or electric meter;

2. Any business occupying facilities that were constructed or remodeled within three years of business tax license application or renewal.

D. This ordinance shall remain in effect through December 31, 2020 and as of that date is repealed unless a later enacted ordinance deletes that date or extends that date.

PASSED and ADOPTED this ____ day of _____, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia G. Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to execute a Memorandum of Understanding with the City of Chula Vista to provide in-kind services to implement the Free Resource and Energy Business Evaluation (FREBE) progr

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. |

ITEM TITLE:

A Resolution of the City Council of the City of National City authorizing the Mayor to execute a Memorandum of Understanding with the City of Chula Vista to provide in-kind services to implement the Free Resource and Energy Business Evaluation (FREBE) program. (Planning)

PREPARED BY: Raymond Pe 

DEPARTMENT: Planning Division

PHONE: 336-4421

APPROVED BY: 

EXPLANATION:

In 2011, the City Council adopted the Climate Action Plan (CAP) with the goal of reducing National City's greenhouse gas emissions to 15 percent below 2005 levels by 2020. This goal is consistent with California's Global Warming Solutions Act of 2006 (AB32). One of the CAP emission reduction measures encourages energy audits of existing buildings to inform owners of their energy usage. This measure is being implemented for businesses in the City through the Free Resource and Energy Business Evaluations (FREBE) program, which is administered by the City of Chula Vista on behalf of the City.

On June 2, 2015, the City entered into a memorandum of understanding with the City of Chula Vista to administer the FREBE program in National City through December 31, 2015. The City of Chula Vista has offered to provide an additional five years of support through the South Bay Energy Action Collaborative (SoBEAC) with funding through its Local Government Partnership with SDG&E. Chula Vista has operated the FREBE program in Chula Vista since 2008 and has indicated that the first year of the program in National City has been very successful and well-received by businesses. The proposed MOU would allow the City of Chula Vista to continue to administer the program in National City through December 31, 2020.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. Not Applicable

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This activity is not a project as defined in Section 15378 of the California Code of Regulations; therefore, no further action is required under the California Environmental Quality Act.

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt the resolution authorizing the Mayor to execute the Memorandum of Understanding.

BOARD / COMMISSION RECOMMENDATION:

Not Applicable.

ATTACHMENTS:

1. Background Report
2. Memorandum of Understanding

Background Report

Climate Action Plan

In 2011, the City Council adopted the Climate Action Plan (CAP) with the goal of reducing National City's greenhouse gas emissions to 15 percent below 2005 levels by 2020. This goal is consistent with California's Global Warming Solutions Act of 2006 (AB32). The CAP found that commercial and industrial operations accounted for 25 percent of community-wide emissions in 2005 and forecasted an increase to 38 percent by 2030 under the 'business-as-usual' scenario, i.e. if no additional measures are taken to reduce emissions

The CAP includes emission reduction measures that could be implemented to achieve the 2020 goal. One of these measures encourages energy audits of buildings to inform owners of their energy usage. This measure is being implemented for businesses in the City through the Free Resource and Energy Business Evaluations (FREBE) program, which is administered by the City of Chula Vista on behalf of the City.

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After a review of innovative energy and water saving programs in effect throughout the state, Chula Vista's FREBE program stood out for its effectiveness in helping businesses reduce utility costs through energy and water saving measures. The program began in 2008 and has since been very successful with high participation. Evaluations are conducted when convenient for businesses, which receive customized recommendations to save energy and water and to implement sustainable practices. Businesses have no obligation to carry out the recommendations since implementation is voluntary.

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Memorandum of Understanding

On June 2, 2015, the City entered into a memorandum of understanding with the City of Chula Vista to administer the FREBE program in National City through December 31, 2015. The City of Chula Vista has offered to provide an additional five years of support through the South Bay Energy Action Collaborative (SoBEAC) with funding through its Local Government Partnership with SDG&E.

Chula Vista has indicated that the first year of the FREBE program in National City has been very successful and well-received by businesses. Nearly 100 businesses have been evaluated since late July, and about 40 percent are referred to SDG&E's Business Energy Solutions Program. The proposed MOU would allow the City of Chula Vista to continue to administer the program in National City through December 31, 2020.

Ordinance Amendment

On June 16, 2015, the City Council adopted Ordinance No. 2015-2404, which codified the energy and water evaluation requirement for businesses by amending Municipal Code Chapter 6.04. A proposed ordinance amendment would extend the effective date of the FREBE program to December 31, 2020.

There are approximately 2,600 business licensees operating in the City. However, only businesses occupying a physical storefront or office on a commercial utility meter are required to participate in the program. Furthermore, the ordinance does not require businesses to implement any of the energy or water efficiency recommendations.

Evaluations are approximately 30 minutes in duration and conducted in the presence of the business owner or manager. Trained evaluators conduct a review of utility bills, building systems (e.g. lighting, cooling, and heating), building envelopes (e.g. windows, doors, and insulation), office equipment, appliances, and operational procedures.

Results of the evaluation and detailed strategies to reduce utility costs are provided to the business. Recommendations may include low- or no-cost measures, such as behavior modification, as well as other measures that may require an investment. Evaluators also identify incentives, rebates, and low cost financing options that could reduce or eliminate implementation costs.

Fiscal Impact

Chula Vista anticipates that FREBE program funding will continue to be provided through SoBEAC as part of its Local Government Partnership with SDG&E. There will be no direct impact on the General Fund of the City. Staff costs associated with implementation of the program would be minimal. Most of the program implementation costs would be directly provided as in-kind support by the City of Chula Vista.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF NATIONAL CITY
AND THE CITY OF CHULA VISTA
FOR THE ADMINISTRATION OF THE FREE RESOURCE
AND ENERGY BUSINESS EVALUATION PROGRAM**

This Memorandum of Understanding ("MOU") is entered into by and between the CITY OF NATIONAL CITY ("National City"), a municipal corporation, and the CITY OF CHULA VISTA ("Chula Vista"), a municipal corporation, and is dated _____ for the purposes of reference only.

RECITALS

A. In 2009, Chula Vista began administering its Free Resource and Energy Business Evaluation ("FREBE") program, which helps local businesses identify opportunities to save energy and water.

B. With funding support from San Diego Gas & Electric, Chula Vista created the South Bay Energy Action Collaborative ("SoBEAC") in 2013 to assist smaller neighboring cities with their energy efficiency and sustainability initiatives.

C. On June 2, 2015, National City and Chula Vista entered into a Memorandum of Understanding for the administration of the FREBE program in National City by Chula Vista through December 31, 2015.

D. On June 16, 2015, National City adopted an ordinance amending Chapter 6.04 of the National City Municipal Code to require businesses in National City to accept a no-cost resource and energy evaluation through the FREBE Program.

E. National City anticipates amending the ordinance to extend the effective date of the FREBE program from December 31, 2015 to December 31, 2020.

F. National City does not have sufficient staff to administer the FREBE Program.

G. Chula Vista has agreed to administer the FREBE Program in National City, through calendar year 2020, under the SoBEAC component of its Local Government Partnership with San Diego Gas & Electric.

H. The FREBE program in National City would be fully supported through SDG&E Local Government Partnership funding

AGREEMENT

1. Term of the MOU. This MOU shall be effective on the date that the ordinance described in Recital E, above, is effective and shall remain in effect through December 31, 2020.

2. Chula Vista's Responsibilities.

2.1. Chula Vista staff agrees to administer the FREBE Program in National City with funding provided by SDG&E Local Government Partnership.

2.2. Chula Vista staff shall draft and mail a letter introducing the FREBE Program, explaining that Chula Vista staff will perform the evaluation on behalf of National City, and requesting an appointment to conduct the evaluation (the "Introduction and Appointment Letter"). The Introduction and Appointment Letter will be on National City letterhead and be signed by National City's Director of Finance, or designee.

2.3. If there is no response, or a negative response, from the business, Chula Vista staff shall draft a postcard reminding the business of its obligation to accept the evaluation (the "Follow-up Postcard"). The Follow-up Postcard will include the National City Logo.

2.4. In performing the evaluations, Chula Vista staff will use best efforts to minimize inconvenience and disruption to the businesses.

2.5. In implementing the FREBE Program in National City, Chula Vista staff will use best efforts to minimize disruption to the National City Finance Department.

2.6. Chula Vista staff will provide the businesses with information that may include, but not be limited to the following:

2.6.1. Historical energy and water consumption, identified conservation and efficiency opportunities, potential utility cost savings, and an estimate of the corresponding greenhouse gas emission reductions;

2.6.2. Recommendations for sustainable practices applicable to the business, their employees or customers, and an estimate of the corresponding greenhouse gas emission reductions;

2.6.3. Information and assistance regarding federal, state, and local rebate programs, financing options, and other funding resources to reduce the time and cost of implementing conservation and efficiency measures; and

2.6.4. Contact information for local utility account and program staff and contractors that may provide services to implement conservation and efficiency measures.

3. National City's Responsibilities.

3.1. National City Finance staff will periodically give Chula Vista staff a list of the most recent business licenses issued by National City. The information will include the business name, address, phone number(s), and names of principals.

3.2. National City Finance staff will approve the Introduction and Appointment letter.

3.3. National City Finance staff will approve the Follow-up Postcard.

3.4. National City staff will cooperate and work with Chula Vista staff.

4. Indemnity.

4.1 Claims Arising From Sole Acts or Omissions of Chula Vista. Chula Vista agrees to defend and indemnify National City, and its respective agents, officers and employees, from any claim, action or proceeding against National City, arising solely out of the negligent acts or omissions or willful misconduct of Chula Vista in the performance of its duties pursuant to this MOU. At its sole discretion, National City may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve Chula Vista of any obligation imposed by this MOU. National City shall promptly notify Chula Vista of any claim, action or proceeding and cooperate fully in the defense.

4.2 Claims Arising From Sole Acts or Omissions of National City. National City agrees to defend and indemnify Chula Vista, and its agents, officers and employees, from any claim, action or proceeding against Chula Vista, arising solely out of the negligent acts or omissions or willful misconduct of National City in the performance of its duties pursuant to this MOU. At its sole discretion, Chula Vista may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve National City of any obligation imposed by this MOU. Chula Vista shall promptly notify National City of any claim, action or proceeding and cooperate fully in the defense.

4.3 Claims Arising From Concurrent Acts or Omissions. National City agrees to defend and indemnify Chula Vista from any claim, action or proceeding arising out of, connected with, caused by or claimed to be caused by the active or passive negligent acts or omissions, or willful misconduct of Chula Vista, its agents, officers, or employees which may be in combination with the active or passive negligent acts or omissions of National City, its employees, agents or officers, or any third party.

4.4 Joint Defense. Notwithstanding subsection 4.3, above, in cases where Chula Vista and National City agree in writing to a joint defense, Chula Vista and National City may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of Chula Vista and National City. Joint defense counsel shall be selected by mutual agreement of the parties. The parties further agree that no party may bind the other party to a settlement agreement without the written consent of the other party.

4.5 Reimbursement and/or Reallocation. Where a final judgment of a court award allocates or determines the comparative fault of the parties, Chula Vista and National City may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

4.6 Limitation of Liability. Other than claims for physical injury to person or property, the Parties acknowledge that each Party's liability under this MOU shall be limited to actual damages only and that the Parties shall have no obligation or liability for general or special damages.

4.7 Survival. A Party's obligations under this Indemnity section shall survive the termination of this MOU.

5. Insurance. Chula Vista shall provide its own liability insurance, including automobile liability insurance, health, disability and other insurance. National City shall not be responsible for insurance coverage for Chula Vista's employees. Chula Vista shall provide its own workers compensation insurance for any Chula Vista employee who performs services pursuant to this MOU.

6. Termination. Either Party may terminate this MOU by providing fifteen days' written notice to the other Party. Notwithstanding the foregoing, if, for any reason, SDG&E ceases to provide Chula Vista with the funding necessary to perform Chula Vista's responsibilities under this MOU, then the MOU shall be immediately terminated and Chula Vista shall be relieved of all obligations imposed on it by this MOU.

7. Administrative Claims Requirements and Procedures. No suit or arbitration shall be brought arising out of this MOU, against Chula Vista unless a claim has first been presented in writing and filed with Chula Vista and acted upon by Chula Vista in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by this reference as if fully set forth herein, and such policies and procedures used by City in the implementation of same.

8. Notices. All notices, demands or requests provided for or permitted to be given pursuant to this MOU must be in writing. All notices, demands, and requests to be sent to any party shall be deemed to have been properly given or served if personally served or deposited in the United States mail, addressed to such party, postage prepaid, registered, or certified, with return receipt requested, at the addresses identified below:

- a. City of Chula Vista
Bob Beamon, Conservation Manager
276 Fourth Avenue, Chula Vista, CA 91910
619-409-1965
- b. City of National City
Brad Raulston, Executive Director
1243 National City Boulevard
National City, CA 91902
619-336-4240

9. Integration. This MOU, together with any other written document referred to or contemplated in it, embody the entire agreement and understanding between the Parties relating to the subject matter hereof. Neither this MOU nor any provision of it may be amended, modified, waived or discharged except by an instrument in writing executed by the Party against which enforcement of such amendment, waiver or discharge is sought.

10. Capacity of Parties. Each signatory and Party to this MOU warrants and represents to the other Party that it has legal authority and capacity and direction from its principal to enter into this MOU, and that all necessary resolutions or other actions have been taken so as to enable it to enter into this MOU.

11. Governing Law/Venue. This MOU shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California.

IN WITNESS WHEREOF, Chula Vista and National City have executed this MOU, indicating that they have read and understood same, and indicate their full and complete consent to its terms:

CITY OF CHULA VISTA

CITY OF NATIONAL CITY

By: _____
Mary Casillas, Mayor

By: _____
Ron Morrison, Mayor

Attest:

Attest:

Donna Norris, City Clerk

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Glen R. Googins, City Attorney

Claudia Gacitua Silva, City Attorney

RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH THE CITY OF CHULA VISTA TO PROVIDE
IN-KIND SERVICES TO CONTINUE THE FREE RESOURCE
AND ENERGY BUSINESS EVALUATION PROGRAM

WHEREAS, in 2011, the City Council adopted the Climate Action Plan ("CAP") with the goal of reducing National City's greenhouse gas emissions to 15 percent below 2005 levels by 2020, which is consistent with California's Global Warming Solutions Act of 2006 (AB32); and

WHEREAS, one of the CAP emission reduction measures encourages energy audits of existing buildings to inform owners of their energy usage; and

WHEREAS, on June 2, 2015, the City Council adopted Resolution No. 2015-75 implementing a Free Resource and Energy Business Evaluations ("FREBE") program for businesses in the City, and entered into a Memorandum of Understanding ("MOU") with the City of Chula Vista to implement the program in National City through December 31, 2015 at no cost to the City with funding through the South Bay Energy Action Collaborative; and

WHEREAS, on June 16, 2015, the City Council adopted Ordinance No. 2015-2404 amending Chapter 6.04 of the National City Municipal Code to require businesses in National City to accept a no-cost resource and energy evaluation through the FREBE Program; and

WHEREAS, National City anticipates amending Ordinance No. 2015-2404 to extend the effective date of the FREBE program from December 31, 2015 to December 31, 2020; and

WHEREAS, the City of Chula Vista has agreed to administer the FREBE Program in National City, through calendar year 2020, under the SoBEAC component of its Local Government Partnership with San Diego Gas & Electric; and

WHEREAS, the FREBE program in National City would be fully supported through SDG&E Local Government Partnership funding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute a Memorandum of Understanding with the City of Chula Vista to provide in-kind services to implement the Free Resource and Energy Business Evaluations ("FREBE") program. The Memorandum of Understanding is on file in the office of the City Clerk.

[Signature Page to Follow]

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City approving a Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way. (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP) (Planning)


**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. _____

ITEM TITLE:

Resolution of the City Council of the City of National City approving a Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP)

PREPARED BY:  Martin Reeder, AICP

PHONE: 336-4313

DEPARTMENT: Planning

APPROVED BY: 

EXPLANATION:

The City Council conducted a public hearing on this item at the December 1, 2015 City Council meeting. The attached resolution is needed to take action on the item.

FINANCIAL STATEMENT:

ACCOUNT NO. _____

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt the Resolution

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Resolution

RESOLUTION NO. 2015 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
APPROVING A CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT CHIPOTLE RESTAURANT LOCATED AT 404 MILE OF CARS WAY
CASE FILE NO. 2015-18 CUP; APN: 562-340-15

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at Chipotle Restaurant located at 404 Mile of Cars Way at a duly advertised public hearing held on December 1, 2015, at which time the City Council considered evidence; and

WHEREAS, at said public hearing the City Council considered the staff report provided for Case File No. 2015-18 CUP, which is maintained by the City and incorporated herein by reference, along with any other evidence presented at said hearing; and

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City that the evidence presented to the City Council at the public hearing held on December 1, 2015, support the following findings:

FINDINGS FOR APPROVAL OF
THE CONDITIONAL USE PERMIT

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use Corridor Zone, and because no Specific Plans exist in this location.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on Mile of Cars Way based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing restaurant use in an existing commercial area, which is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer at an existing restaurant located at 404 Mile of Cars Way. Plans submitted for permits associated with this project shall conform to Exhibit "A", Case File No. 2015-18 CUP, dated August 27, 2015.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this Resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.

7. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

8. Beer shall only be offered in 12 oz. bottles; the cap shall be removed and discarded by a staff member after purchase and prior to being served to the customer.
9. No beer is permitted to be consumed on the patio or anywhere outside the restaurant.
10. Permittee shall post signs in the dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken out to the patio area.
11. The sale of alcoholic beverages shall be limited to between the hours of 10:00 a.m. and 11:00 p.m., seven days a week.
12. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
13. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
14. Alcohol shall be available only in conjunction with the purchase of food.
15. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Police

16. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display, and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that this Resolution shall become effective, final, and conclusive on the day following the City Council meeting where this Resolution is adopted. The time within which judicial review of this decision may be sought is governed by the provisions of Code of Civil Procedures Section 1094.6.

PASSED and ADOPTED this 1st day of December, 2015.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

The following page(s) contain the backup material for Agenda Item: Request to use Martin Luther King Jr. Community Center (North & South Rooms) by National City College Campus Lions Club for their 8th annual Spirit of the Holidays toy and food giveaway to needy families of National City, on Saturday, December 19, 2015. A

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO.

ITEM TITLE:

Request to use Martin Luther King Jr. Community Center (North & South Rooms) by National City College Campus Lions Club for their 8th annual Spirit of the Holidays toy and food giveaway to needy families of National City, on Saturday, December 19, 2015. Applicant anticipates approximately 300-450 families/children will be attending this year's event. The applicant is requesting a waiver of fees.

PREPARED BY: Kathy Guzman

DEPARTMENT: Engineering/Public Works

PHONE: 336-4580

APPROVED BY: 

EXPLANATION:

National City College Campus Lions Club is requesting the use of Martin Luther King Jr. Community Center (North & South Rooms) for a Spirit of the Holidays food and toy giveaway on December 19, 2015.

Cost are as follows:

<u>Fees:</u>		<u>Non-Waivable/Non-Refundable Fee</u>	<u>Refundable Deposits:</u>
Hall Fee	\$ 562.88	Facility Use Fee \$50.00	Cleaning \$100.00
Custodial	\$ 280.00		Key Deposit \$100.00
Chairs/Tables	\$ 36.25		Total \$200.00
Total	\$ 879.13		

The total fees, including the non-waivable/non-refundable Facility Use fee, is \$929.13. There is also a refundable deposit of \$200.00. The event is not a City-Sponsored or co-sponsored event, but is consistent with Policy 803 governing the use of the Martin Luther King Jr. Community Center. City Council has approved the requested waiver of fees for the last two years.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

001-41000-3572: \$649.13
626-416-223-102: \$280.00

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Staff recommends approving the Facility Use Application with no waiver of fees.

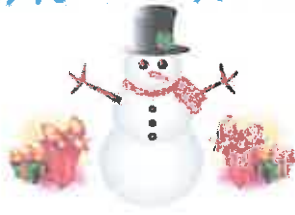
BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Letter from National City College Campus Lions dated November 4th, 2015
Facility Use Application
Certificate of Liability Insurance
Council Policy 803

National City *Spirit of the Holidays*



Sponsored by National City College Campus Lions serving as the "Principal Organization", along with other community organizations and volunteers.

Our mission is to serve residents of National City who are in need of holiday support by way of food and toys.

National City
College Campus
Lions Club:

November 4th 2015

President:
Steve Kirkwood

Dear City of National City Council Members,

Vice President
Paul Robinson

Secretary/
Treasurer
Blanca Molina

It's is With Great Pride that we share with you the plans of the National City College Campus Lions Club. As in the past six years, the National City College Campus Lions Club is sponsoring the National City Spirit of the Holidays event on December 19, 2015. This event brightens the holiday season of some of the less fortunate families in our community. Each year the National City College Campus Lions Club partners with other community organization to raise funds to provide toys to the children and a complete holiday meal for families.

Member:

Jim Pyles

Member:

Christine Peri

Member:

Verna Philips

Member:

Rose Annita

Hernandez

Traditionally, our event is conducted at the Martin Luther King Community Center and we hope to continue with the tradition. It is our request of the City Council to waive the fees associated with the use of the MLK Community Center. It's is our goal to use all the funds raised to provide toys and food to those National City residents in need.

We appreciate your support of this worthy cause and look forward to your approval of our request.

Spirit of the
Holidays:

Blanca Molina

Blanca Molina

Program Chair-
Blanca Molina

The Spirit of the Holidays committee

Program Co-
Chair:
Julie Sepulveda

2015 NOV - 4 P 4: 33

RECEIVED
ENGINEERING DEPT.



National City



Fire Department

National School District



National City Host



Lions Club

RECEIVED
ENGINEERING DEPT.



2015 NOV -3 P 4:42
City of National City
Facility Use Application

1243 National City Blvd
National City, CA 91950
(619)336-4580
Fax (619)336-4594
After hours dispatch:
(619)336-4411

TO ALL APPLICANTS: It is strongly recommended that an applicant requesting use of City Facility attend the City Council meeting when the item is scheduled for consideration in order to answer any questions from the City Council.

Facility Requested: please circle

Martin Luther King Jr. Building
North Room South Room Entire Facility

Date(s) of Use: 12-19-15 Day(s) of Use: Friday & Saturday
Time of Use: From: Saturday 7 AM PM To: 2 AM PM INCLUDE SET-UP & CLEAN UP TIME ^{set up}

Type of Function/Activity: Toy & Food Distribution Is the event open to the public? No

Name & Address of Organization/Group: National City College Campus Lions / Spirit of Holidays

Non-profit organization (Yes) No Tax ID # 27-1526613

Anticipated Maximum Attendance: 450 Percentage of National City Residents 100%

Will Admission be charged? No Amount \$ _____ Will this be a Fund Raising Event? No

Equipment Requested: 15 # of chairs 25 # of banquet tables (Stage)

_____ Podium/Microphone

****PLEASE ATTACH SEATING DIAGRAM**

N/A Audio & Visual Equipment Required? (Please Specify)

Use of Kitchen: _____ Yes (No) Use of Gas for Range and Oven: _____ Yes (No)

Is the Use of Alcohol Requested? no

Will other paid services be used (i. e, commercial caterer, DJ, Band, etc)? _____ Yes X No

Name: _____

Phone: _____

Name: _____

Phone: _____

How many times in the last twelve months have you requested to use a City Facility? 1

It is expressly understood and agreed that the applicant assumes all risk for loss, damage, Liability, injury, cost or expense that may arise during or be caused in any way by such use or occupancy of the facilities of the City of National City and/or Community Services Department.

The applicant further agrees that in considerations of being permitted the use of the facilities agreed to, they will save and hold harmless the said City of National City, its officers, agents, employees and volunteers from any loss, claims, and liability damages, and/or injuries to persons and property that in any way may be caused by applicant's use or occupancy.

I, the undersigned, hereby certify to abide by the regulations governing said facility and agree to abide by all City of National City ordinances and facility rules and policies, and be representative of the user organizations. Further, I agree to be personally responsible for any damage/loss sustained by the ground, building, furniture or equipment or unusual clean up occurring through the occupancy of said facilities.

Application recognizes and understands that use of the City's facility may create a possessory interest subject to property taxation and that applicant may be subject to the payment of property taxes levied on such interest. Applicant further agrees to pay any and all property taxes, if any assessed during the use of the City's facility pursuant to sections 107 and 107.6 of the revenue and taxation code against applicant's possessory interest in the City's facility.

I CERTIFY THAT I HAVE RECEIVED A COPY OF THE RULES AND REGULATIONS FOR THE FACILITY REQUESTED, AND I AGREE FOR MY ORGANIZATION/ GROUP TO CONFORM TO ALL OF ITS PROVISION.

DATE COMPLETED: 11-3-15

PRINT NAME: Blanca Molina

SIGNATURE: Blanca Molina

ADDRESS OF APPLICANT: 2504 N Ave

CITY, STATE, AND ZIP CODE: National City CA.

PHONE: DAY 477-7500 FAX NUMBER: 474-0772

CONTACT PERSON ON THE DAY OF THE EVENT: Blanca Molina

PHONE: (619) 474-0979 CELL: (619) 778-8939

**HAVE YOUR COPY OF
APPLICATION IN
POSSESSION DURING USE**

Please type or print clearly with a Ballpoint pen. Complete application must be submitted and payment submitted in advanced of the event.

Rental Amount Received: _____	Public Works Staff Only- Receipt Number: _____
Deposit Amount: _____	Deposit/ Key Returned: _____
Check _____	Key issued: _____ YES _____ NO

**CITY OF NATIONAL CITY
PUBLIC PROPERTY USE HOLD HARMLESS
AND INDEMNIFICATION AGREEMENT**

Person requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which include the city, its officials, agents and employees named as additional insured and to sign the hold harmless agreement. Certificate of Insurance must be attached to this permit.

Organization: National City College Campus Lions
Person in charge of activity: Blanca Molina
Address: 2504 N Ave National City CA. 91950
Telephone: (619) 778-8939 E-Mail: mln-blncat@yahoo.com
City Facilities and/ or property requested: MhK
Date(s) of use: 12-19-15

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities On public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or damages for any personal injury, death, or property damage, or both, or any litigation and other liability, including attorneys fees and the costs of litigation, arising out or related to the use of public property or the activity taken under the permit by the permit or its agents, employees or contractors.

Blanca Molina
Signature of applicant

11-3-15
Date

Certificate of Insurance Approved by _____
Name and Title

Safety/ Security

Please describe your procedures for crowd control and internal security:

Lions Club member - Fire Dept. - Police Dept.
and teachers will be on site to direct and
assist children in selection of toys and
parents in picking up food items during
Distribution.

☐ YES ☒ NO Have you hired any Professional Security organization to handle
Security arrangements for this event? If YES, please list:

Security Organization: _____

Security Organization Address: _____

Security Director (Name): _____ Phone: _____

Monitoring Alcohol Consumption

Please describe your producers for monitoring alcohol consumption:

N/A

Organization must designate a person to ensure that alcohol is being served to persons 21 years of age or older. The designated alcohol server must also be 21 years of age or older.

Name: _____

Contact phone number the day of event: _____

____ YES ____ NO Have you hired any Professional Security organization to handle Security arrangements for this event? If YES, please list:

Security Organization: _____

Security Organization Address:

Security Director (Name): _____ Phone: _____

SUMMARY OF CHARGES

Fees and Costs:

Service Clubs: \$100/month

Other Organizations: see prices below

Martin Luther King Jr. Community Center

<u>Activity</u>	<u>South Room</u>	<u>North Room</u>	<u>Entire Hall</u>
<u>Dining:</u>			
0-73	\$23.45/hr	-----	-----
0-149	-----	\$70.36/hr	-----
150-221	-----	\$87.95/hr	-----
222-294	-----	-----	\$117.26/hr
<u>Dance/</u>			
<u>Assembly:</u>			
0-100	\$23.45/hr	-----	-----
101-157	\$29.32/hr	-----	-----
158-300	-----	\$70.36/hr	-----
301-472	-----	\$87.95/hr	-----
473-630	-----	-----	\$117.26/hr

Casa de Salud, El Toyon Recreation, Camacho Recreation & Kimball Recreation Center

\$23.45/hr

*Please note Camacho Gym falls under 801 Policy Fee

Kimball Senior Center

0-149	\$70.36/hr
151-221	\$87.97/hr

Kitchen: \$10.00/hr

\$50.00 Minimum – (only to be used in conjunction with the use of the hall)

\$60.00 Kitchen Deposit – (required, can not be waived, and refundable upon approval from Public Works staff)

\$22.00/hr. during working hours and \$35.00/hr. for overtime hours

_____ hrs Total\$ _____

Custodial charge shall be charges for set up, clean up and duration of event based on the events' estimated attendance as follows:

1-100 person	1hr. set up and 1hr. clean up
101-157	2hr. set up and 2hr. clean up
158-300	3hr. set up and 3hr. clean up
301-472	4hr. set up and 4hr. clean up
473-630	5hr. set up and 5hr. clean up

****PLEASE NOTE: ADDITIONAL CHARGE FOR TABLES AND CHAIRS \$1.00 PER TABLE, \$.75 PER CHAIR****

**Building use fee: \$50.00-required, non waivable and non-refundable
INSURANCE WILL BE REQUIRED, FOR ALL RENTALS.**

FUP FEE WORKSHEET
(MLK, RECS, KSC/CASA, NUTRITION)

Event/Group Name:	"Spirit of the Holidays" - National City College Lions				Resident?	Yes	
Date(s) Rqst'd:	Saturday, December 19th, 2015				Facility: Casa De Salud		
Time of Event:	7:00 am - 2:00 pm	# Hours:	7		# People:	450	
Frequency:	One Time: <input checked="" type="checkbox"/>	Short Term:			On-Going:		
Council Date:	August 19th at 6:00pm in Council Chambers at City Hall						
RENTAL RATES		Hourly Rates			Total		
	People	South	North	Entire	Qty	Charge	Notes
MLK (for dining)	0-73	\$23.45	n/a	n/a		\$0.00	
	73-149	n/a	\$70.36	n/a	8	\$562.88	
	150-221	n/a	\$87.97	n/a		\$0.00	
	222-294	n/a	n/a	\$117.26		\$0.00	
MLK (dance/assembly)	0-100	\$23.45	n/a	n/a		\$0.00	
	101-157	\$29.32	n/a	n/a		\$0.00	
	158-300	n/a	\$70.36	n/a		\$0.00	
	301-472	n/a	\$87.95	n/a		\$0.00	
	472-630	n/a	n/a	\$117.26		\$0.00	
Rec. Centers & Casa	varies	---	---	\$23.45		\$0.00	
Kimball Senior Center	0-149	---	---	\$70.36		\$0.00	
	150-221	---	---	\$87.97		\$0.00	
Service Clubs Only		\$100.00	per month	Months:		\$0.00	
KITCHEN (\$50 min)		\$10.00	per hour	Hours:		\$0.00	
FAC/BLDG USE FEE	\$50.00				1	\$50.00	
CUSTODIAL (Dep/PW)				Rate			
Duration	\$22/hr reg, or \$35/hr OT			\$35.00	4	\$140.00	
Setup/Cleanup time	\$22/hr reg, or \$35/hr OT			\$35.00	4	\$140.00	
1-100(2hr), 101-157(4hr), 158-300(6hr), 301-472(8hr), 473-630(10hr)							
CSD STAFF(Dep/CSD)	\$11.00	per hour		Hours:		\$0.00	
EQUIP: chairs:	\$0.75	each		Qty:	15	\$11.25	
tables:	\$1.00	each		Qty:	25	\$25.00	
TOTAL FEES						\$929.13	
DEPOSITS							
Kitchen:	\$60.00	Refundable				\$0.00	
Cleaning	\$100.00	Refundable			1	\$100.00	
Key Deposit	\$100.00	Refundable			1	\$100.00	
Total Deposits:						\$200.00	
				ACCOUNTING:		\$649.13	001-41000-3572
						\$280.00	626-416-223-102
						\$0.00	001-441-000-100
						\$929.13	

Fees/Council Date reviewed/confirmed with: _____ **Date:** _____

Notes:



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/03/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER DSP Insurance 1900 E. Golf Road, Suite 650 Schaumburg, IL 60173	CONTACT NAME: John Adams PHONE (A/C No. Ext): 1-800-316-6705 E-MAIL ADDRESS: lionsclubs@dspins.com		FAX (A/C No.): 1-888-467-2378
	INSURER(S) AFFORDING COVERAGE INSURER A: ACE American Insurance Company		NAIC # 22667
INSURED National City College Campus Lions National City California	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS


INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Agg. Per Named Insured is \$2,000,000 GENL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		HDOG27396392	09/01/2015	09/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		ISAH08858354	09/01/2015	09/01/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION S					EACH OCCURRENCE \$ AGGREGATE \$ WC STATUS: <input type="checkbox"/> TOBY LIMITS <input type="checkbox"/> OTHER
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above: Spirit of the Holidays Date: 12/19/2015

MLK Building /City of National City CA. 91950 is included as an Additional Insured(s), but only with respect to General Liability arising out of the use of premises by the insured shown above and not out of the sole negligence of said additional insured.

PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

CERTIFICATE HOLDER City of National City 1243 National City Blvd. National City California 91950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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COLLEGE CAMPUS LIONS CLUB
5 W 18TH ST
NATIONAL CITY, CA 91950

Date of this notice: 12-22-2009

Employer Identification Number:
27-1526613

Form: SS-4

Number of this notice: CP 575 E

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 27-1526613. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Assigning an EIN does not grant tax-exempt status to non-profit organizations. Publication 557, *Tax Exempt Status for Your Organization*, has details on the application process, as well as information on returns you may need to file. To apply for formal recognition of tax-exempt status, most organizations will need to complete either Form 1023, *Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code*, or Form 1024, *Application for Recognition of Exemption Under Section 501(a)*. Submit the completed form, all applicable attachments, and the required user fee to:

Internal Revenue Service
PO Box 192
Covington, KY 41012-0192

The Pension Protection Act of 2006 contains numerous changes to the tax law provisions affecting tax-exempt organizations, including an annual electronic notification requirement (Form 990-N) for organizations not required to file an annual information return (Form 990 or Form 990-EZ). Additionally, if you are required to file an annual information return, you may be required to file it electronically. Please refer to the Charities & Non-Profits page at www.irs.gov for the most current information on your filing requirements and on provisions of the Pension Protection Act of 2006 that may affect you.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

CITY COUNCIL POLICY

**TITLE: FACILITY USE GUIDELINES AND REGULATIONS FOR THE USE OF POLICY 803
THE MARTIN LUTHER KING JR. COMMUNITY CENTER AND GRANGER NUMBER**

ADOPTED: August 10, 1993

**AMENDED OR September 16, 2008
REVISED**

Purpose

To establish a policy that defines appropriate facility usage and priorities and assigns responsibility for facility scheduling.

Page 1 of 3

Policy

Certain City facilities may be available for public meeting purposes, civic purposes, and non-profit organizations whose membership substantially includes National City residents or whose purpose is to provide services to National City residents.

The City Council recognizes the benefit of granting permission to recognized groups/organizations for the use of City facilities, and may grant such approval upon the submission of an application. Use of any City facilities shall not interfere with the daily routine of any City activity or operation. Facility use will be governed by City Council Policy and administered by the Community Services Department. The City Council further recognizes that a fee is appropriate in most circumstances, particularly to recover the City's cost to provide and/or maintain the various facilities.

Upon the recommendation of the Community Services Director, local non-profit organizations or groups which routinely and regularly provide financial or other support to the City of National City may be exempted from room rental fees.

Facilities Available for Reservation:

1. Martin Luther King Jr. Community Center, 140 E. 12th Street
Granger Music Hall

City facilities shall not be used for private functions, commercial purpose for personal financial gain, fundraisers or "for profit" events, religious organizations conducting activities, any profit-making endeavors, or any activity not consistent with the general business purpose of the building.

Related Policy Reference: National City "Facility-Use Guidelines and Regulations for Senior and Recreation Centers"

**FACILITY USE GUIDELINES AND REGULATIONS FOR THE USE OF THE
MARTIN LUTHER KING JR. COMMUNITY CENTER AND GRANGER MUSIC
HALL**

The Martin Luther King, Jr. Community Center and Granger Music Hall are public facilities, owned by the citizenry of National City and administered for them by the City Council and the staff of the City of National City, for public use.

City facilities may not be used by any person or group for private functions, commercial purposes for personal financial gain, fundraisers or "for profit" events, religious organizations conducting activities, any profit-making endeavors, or any activity not consistent with the general business purpose of the building.

These guidelines and regulations are established to properly define the conditions under which the facilities may be used and preserved for future users and may be changed or modified as necessary by the City Council.

FACILITY USE GUIDELINES AND REGULATIONS FOR THE USE OF THE MARTIN LUTHER KING JR. COMMUNITY CENTER AND GRANGER MUSIC HALL

City of National City

The Facility Use Guidelines and Regulations cover the use of the Martin Luther King, Jr. Community Center, and Granger Music Hall.

If you are unable to locate the information you need in this document, please call us at (619) 336-4290.

POLICY

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City facilities may not be used by any person or group for private functions, commercial purposes for personal financial gain, fundraisers or "for profit" events, religious organizations conducting activities, any profit-making endeavors, or any activity not consistent with the general business purpose of the building.

The City of National City is committed to the policy that all persons shall have access to its facilities without regard to race, color, religion, sex, national origin, age, marital or veterans' status, sexual orientation or disability.

**GUIDELINES AND REGULATIONS
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CATEGORIES OF USE - BY PRIORITY

Category	Use	Fees	Required Approval
I.	City Events organized or sponsored by the City.	No Fees	Community Services Director
II.	City employee groups for official meetings. For other than official meetings, functions will be classified by use.	Custodial Fees	Community Services Director
III.	Educational Groups. Educational activities organized by any school located in National City.	Council Approved Rate	City Council
IV.	Governmental Agencies	Council Approved Rate	City Council
V.	Civic Groups/Service Groups	Council Approved Rate	City Council
VI.	Advocacy. An individual, group, sponsors of a ballot proposition, etc. for advocacy purposes, candidate's forum or a ballot proposition(s) forum.	Council Approved Rate	City Council
VII.	Social Groups. National City Non-profit organizations, which are democratic in nature and organized for social purposes, with membership or participation, open to the general public. Note: A National City organization is defined as one having National City residents predominate as officers of the organization, and with at least 70% of its active membership comprised of residents of the City of National City. A non-profit organization is one whose articles of incorporation as non-profit have been endorsed by the California Secretary of State, and who submits either a receipt for payment of current California taxes or a current exemption for	Council Approved Rate	City Council

	the payment of these taxes by the State Franchise Tax Board.		
VIII.	Other. Proposed use not falling readily into one of the above use categories will require City Council approval.	Council Approved Rate	City Council
XI.	Private. National City residents who would like to use Granger Hall for weddings, parties, and special events.	Council Approved Rate	City Council

Note: National City Resident Groups shall have priority over non-resident groups. Groups with 70% or more group members who reside in National City will be considered Resident Groups.

CATEGORIES OF USE - FEES AND DEPOSITS

	Type	Fees	Council Action	Kitchen Deposit	Key Deposit	Cleaning Deposit	Facility Use Fee
I.	City Event	No Fees	None	None	None	None	None
II.	Employee Group	Custodial fees	None	None	None	None	None
III.	Educational Group	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable
IV.	Government Agencies	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable
V.	Civic/Service Group	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable
VI.	Advocacy Group	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable
VII.	Social Group	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable
VIII.	Other	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable
XI.	Private	Council Approved Rate	Required	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable	Required Non-waivable Refundable

Exclusions

City facilities are not available for the following purposes:

- A) Private functions. (Except Granger Hall)
- B) Commercial purposes, for personal financial gain
- C) Fundraisers or 'for-profit' events. 'For-profit examples include charging for attendance to an event, marketing "parties", and retail sales.
- D) Normally authorized groups sponsoring private usage (i.e., a service group sponsoring a members wedding). (Except Granger Hall)
- E) Dances (unless sponsored by any City Department). (Except Granger Hall)
- F) Although a special event use by a religious group may be appropriate repeated use (i.e., essentially using the City facility as a church/temple) would not be.

The following page(s) contain the backup material for Agenda Item: Notice of Decision Planning Commission approval of a Conditional Use Permit for alcohol sales at a proposed Hooters Restaurant to be located in Westfield Plaza Bonita. (Applicant: Alcoholic Beverage Consulting on behalf of Hooters Restaurant) (Case File


**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. _____

ITEM TITLE:

Notice of Decision – Planning Commission approval of a Conditional Use Permit for alcohol sales at a proposed Hooters Restaurant to be located in Westfield Plaza Bonita. (Applicant: Alcoholic Beverage Consulting on behalf of Hooters Restaurant) (Case File 2015-19 CUP)

PREPARED BY: Martin Reeder, AICP 

DEPARTMENT: Planning

PHONE: 336-4313

APPROVED BY: 

EXPLANATION:

Hooters Restaurant has applied for a Conditional Use Permit (CUP) to sell beer, wine, and distilled spirits as an accessory use to a proposed restaurant coming to Westfield Plaza Bonita. The 228-seat restaurant is scheduled to open in December. Alcohol sales hours would be from 11:00 a.m. to 1:00 a.m. Monday to Saturday and 11:00 a.m. to 12:00 a.m. on Sundays. A Type 47 (On-Sale General) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Planning Commission conducted a public hearing on November 16, 2015. Commissioners asked questions regarding notification, design, operations, security/crime and conditions of approval. The Commission voted to approve the Conditional Use Permit based on required findings and subject to Conditions of Approval. Community meetings were held by the applicant on October 28 and November 12; however, there were no attendees.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

ACCOUNT NO. _____

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Not a project per CEQA

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Conditional Use Permit.

Ayes: Alvarado, Baca, Bush, Garcia, Flores, Yamane Nays: DeLaPaz

ATTACHMENTS:

- | | |
|-------------------------------------|---------------------------|
| 1. Overhead | 3. Resolution No. 2015-24 |
| 2. Planning Commission Staff Report | 4. Reduced Plans |

2015-19 CUP – Hooters Restaurant – Overhead





CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR ALCOHOL
SALES AT A PROPOSED HOOTERS
RESTAURANT TO BE LOCATED IN WESTFIELD
PLAZA BONITA.

Case File No.: 2015-19 CUP

Location: 3050 Plaza Bonita Road

Assessor's Parcel No.: 564-471-07

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Alcoholic Beverage Consulting

Zoning designation: Major Mixed-Use District (MXD-2)

Adjacent land use/zoning:

North: Residential across Sweetwater Rd. / RS-2

East: Residential / County of San Diego

South: Open Space & I-805 / OS

West: Open Space across Plaza Bonita Rd. / OS

Environmental review: Not a project per CEQA

Staff Recommendation: Approve

BACKGROUND

Hooters Restaurant has applied for a Conditional Use Permit (CUP) to sell beer, wine, and distilled spirits as an accessory use to a proposed restaurant coming to Westfield Plaza Bonita. The 228-seat restaurant is scheduled to open in December. Alcohol sales hours would be from 11:00 a.m. to 1:00 a.m. Monday to Saturday and 11:00 a.m. to 12:00 a.m. on Sundays. A Type 47 (On-Sale General) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Project Location

The proposed restaurant location is an approximately 6,900 square-foot suite in Westfield Plaza Bonita next to Target on the lower floor of the mall. The floor plan submitted with the CUP shows 228 seats, including a bar area. The suite was formerly two separate businesses – Jollibee and J. Tomson.

Proposed Use

The applicant is proposing to sell beer, wine, and distilled spirits inside the restaurant, both in the dining room and bar areas. Alcohol products will be stored in a secure area in the kitchen, as well as behind the bar, and would be served upon request. The proposed operating hours of Hooters would be 11:00 a.m. to 1:00 a.m. Monday to Saturday, and 11:00 a.m. to 12:00 a.m. on Sundays. No live entertainment is proposed.

Analysis

Section 18.30.050 of the National City Land Use Code allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. In this case, 450 people were notified of the public hearing, as well as for the community meeting.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, October 28, 2015 from 5 p.m. to 6 p.m. at the security office in the mall. The meeting advertisement is attached. According to the applicant, no-one appeared for the community meeting, although one community member called the applicant with concerns over noise and traffic at the mall. An email was received by staff with concerns over adequate notice and timing of the meeting. The applicant acknowledged that they had heard of notice not being received in a timely fashion by some community members; however, they stated that the notice was mailed a week prior to the meeting. In order to address these concerns, the applicant is holding a second community meeting on November 12th. This date is after this staff report is published, so any meeting information would need to be analyzed at the Planning Commission meeting.

Distance Requirements – Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools. However, restaurants with greater than 30% of their area devoted to seating (as applies in this case) are exempt from these distance

requirements. There are no schools within 660 ft.; the nearest school is Lincoln Acres Elementary School, which is located over three quarters of a mile away.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Major Mixed-Use District zone pursuant to a Conditional Use Permit, and the proposed alcohol sales meet the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. Alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone. No Specific Plans exist in this location.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial space, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected. In addition, there are five other restaurants at Westfield Plaza Bonita that sell alcohol.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use would be accessory to the existing restaurant use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be compatible with other nearby businesses that also sell alcohol as an accessory use. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. In addition, the proposed use is identical to other restaurant uses in the area, which are conditionally-allowed in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

There is an additional finding which must be made for alcohol sales CUP applications. The finding is that the proposed use is deemed essential and desirable to the public convenience and necessity. In this case the alcohol sales will contribute to the viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

There are also three findings for denial based on the amount of existing on-sale outlets, as discussed in the "Alcohol Sales Concentration/Location" section below.

Department and Agency Comments

Alcohol Sales Concentration/Location – Per the California State Department of Alcoholic Beverage Control (ABC), there are currently six other on-sale permits issued in this census tract (32.04):

Name	Address	License Type*
Outback Steakhouse	2980 Plaza Bonita Rd.	47
Applebees	3030 Plaza Bonita Rd.	47
Red Robin	3030 Plaza Bonita Rd.	47
John's Incredible Pizza	3030 Plaza Bonita Rd.	41
Memela's Thai Bistro (CV)	3001 Bonita Rd.	41
El Torito	3030 Plaza Bonita Rd.	47

- * Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place
- Type 47 - On-Sale General for Bona Fide Public Eating Place

All of the five licenses in National City are located at Westfield Plaza Bonita (Memela's Thai Bistro is in the City of Chula Vista).

Census tract 32.04 is comprised of the area east of Interstate 805 and south of State Route 54, including part of Bonita (County of San Diego). The attached census tract map shows the location of the subject tract. ABC recommends a total of four on-sale alcohol permits be issued in this census tract, where six exist. Therefore, the census tract is considered to be over-concentrated.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 23) had a current (January to August 2015) crime rate of 329.9%, above the 120% considered to be a high crime area. Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Hooters received 16 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies (IPS)

IPS made mention of the license over-concentration in the census tract and the fact that activities involving children (e.g. Christmas train, picture with Santa, etc.) occur near the proposed restaurant location.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per Council policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan, because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone. The proposed use would be accessory to a permitted restaurant use in an existing commercial area, which is not expected to increase the demand for parking or other services on the property. The addition of alcohol sales is not expected to have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, alcohol will only be available with the sale of food. However, the proposed use may not be considered essential and desirable to the public convenience and necessity, because five other on-sale alcohol outlets are located at Westfield Plaza Bonita, four of which also have a Type 47 ABC license.

OPTIONS

1. Approve 2015-19 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-19 CUP based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site photos
5. Applicant's Plans (Exhibit A, case file no. 2015-19 CUP, dated 8/27/2015)
6. Community meeting advertisements
7. Police Department and Institute for Public Strategies comments
8. Census Tract Map and Police Beat Map
9. Public Hearing Notice (Sent to 450 property owners and occupants)



MARTIN REEDER, AICP
Principal Planner

RECOMMENDED FINDINGS FOR APPROVAL
2015-19 CUP, Hooters Restaurant

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the site is zoned Major Mixed-Use District (MXD-2), which allows the sale of alcoholic beverages for on-site consumption as an accessory use to eating places subject to a CUP.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District zone.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because there are five other restaurants at Westfield Plaza Bonita that sell alcohol, and because no increase in square-footage would occur.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to a restaurant use in an existing commercial suite, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.

8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2015-19 CUP, Hooters Restaurant

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets; six on-sale outlets exist in the census tract where four are recommended by the California Department of Alcoholic Beverage Control.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because five other on-sale alcohol outlets are located at Westfield Plaza Bonita, four of which also have a Type 47 ABC license.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2015-19 CUP, Hooters Restaurant

General

1. This *Conditional Use Permit* authorizes the sale of beer, wine, and distilled spirits at a proposed restaurant to be located in Westfield Plaza Bonita. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2015-19 CUP, dated 8/27/2015.
2. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

7. The sale of alcoholic beverages shall be limited to between the hours of 11:00 a.m. to 1:00 a.m. Monday to Saturday, and 11:00 a.m. to 12:00 a.m. on Sundays.
8. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make

available a domestic violence training session as provided by the Institute of Public Strategies.

9. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
10. Alcohol shall be available only in conjunction with the purchase of food.
11. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Police

12. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

2015-19 CUP – Hooters Restaurant – Site Photos



Proposed restaurant north



Proposed restaurant southeast

You are invited to attend a:

COMMUNITY MEETING

Date: WEDNESDAY, OCTOBER 28, 2015

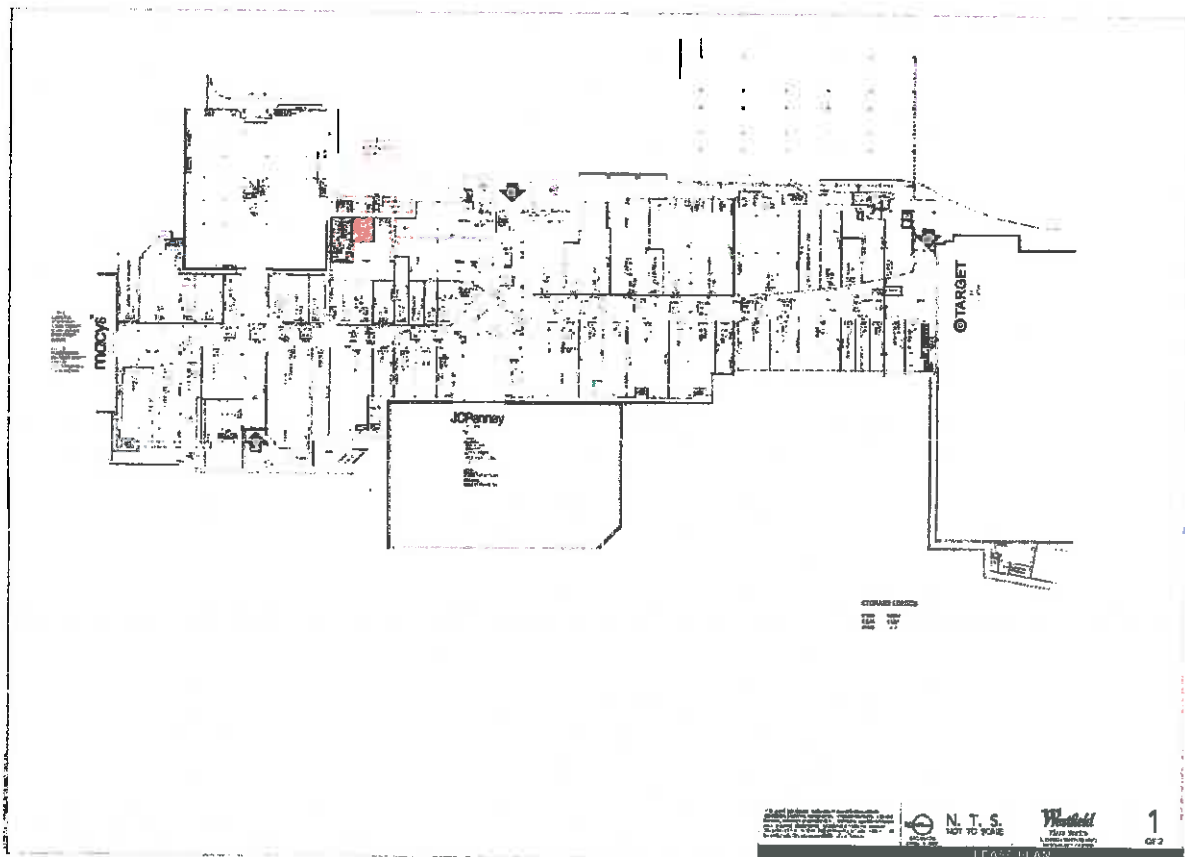
Time: 5:00PM TO 6:00PM

Address: 3030 Plaza Bonita Road, Suite #1060 (Mall Security Office next to John's Incredible Pizza), National City, CA

This meeting is to inform citizens of a use permit application that has been filed for the service of alcoholic beverages at a new Hooter's Restaurant that will be opening in the Westfield Plaza Bonita at the address listed above

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed restaurant operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Please contact Steve Rawlings, the Applicant's representative at 951-667-5152 or via email at SER@Rawlingspm.com.

This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.



You are invited to attend a:

COMMUNITY MEETING

Date: WEDNESDAY, NOVEMBER 12, 2015

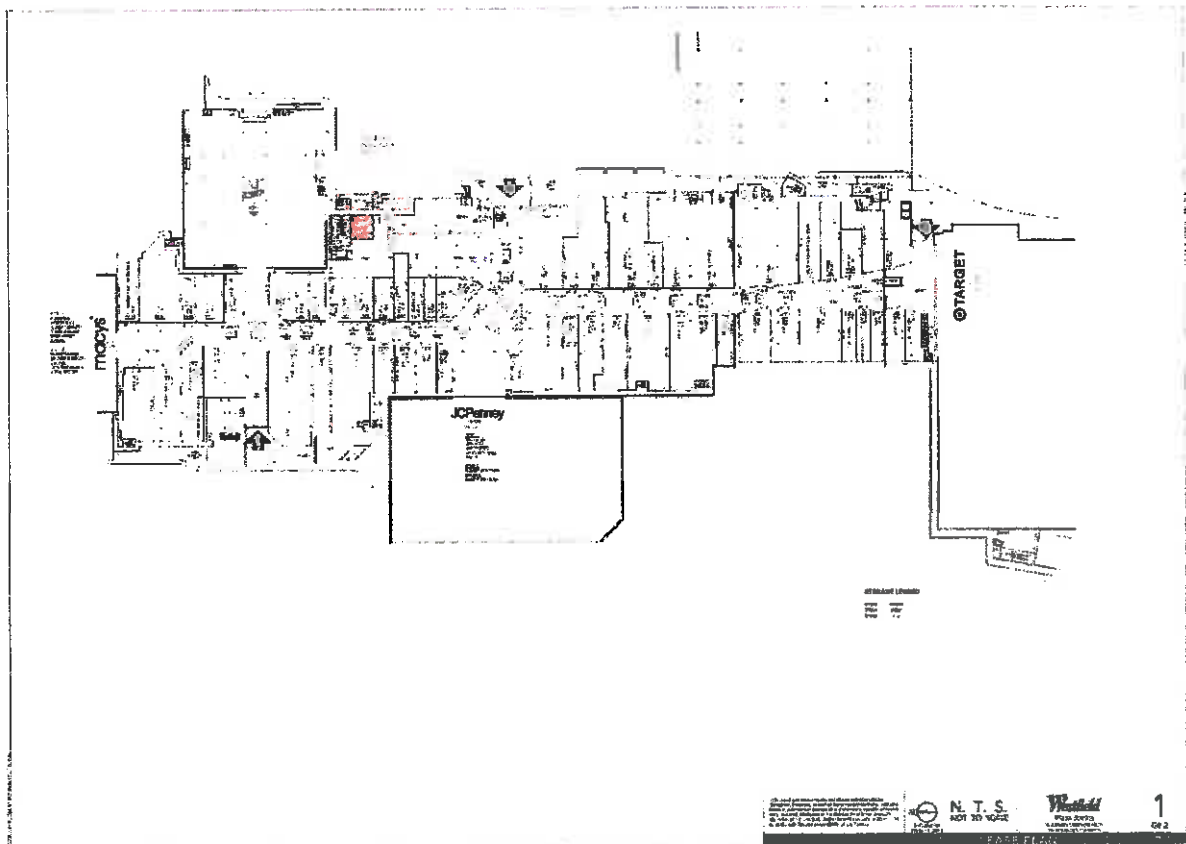
Time: 5:00PM TO 6:00PM

Address: 3030 Plaza Bonita Road, Suite #1060 (Mall Security Office next to John's Incredible Pizza), National City, CA

This meeting is to inform citizens of a use permit application that has been filed for the service of alcoholic beverages at a new Hooter's Restaurant that will be opening in the Westfield Plaza Bonita IN Suite 1030.

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed restaurant operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Please contact Steve Rawlings, the Applicant's representative at 951-667-5152 or via email at SER@Rawlingspm.com.

This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.





NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 09/10/15

BUSINESS NAME: Hooters

ADDRESS: 3030 Plaza Bonita Road, National City, CA 91950

OWNER NAME: Corporation - Steve Rawlings DOB: N/A

OWNER ADDRESS: 26023 Jefferson Avenue, Suite D, Murrieta, CA 92562
(add additional owners on page 2)

I. Type of Business

- ☒ Restaurant (1 pt)
- ☐ Market (2 pts)
- ☐ Bar/Night Club (3 pts)

II. Hours of Operation

- ☐ Daytime hours (1 pt)
- ☐ Close by 10pm (2 pts)
- ☒ Close after 10pm (3 pts)

III. Entertainment

- ☒ Music (1 pt)
- ☐ Live Music (2 pts)
- ☐ Dancing/Live Music (3 pts)

IV. Crime Rate

- ☐ Low (1 pt)
- ☐ Medium (2 pts)
- ☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- ☐ Below (1 pt)
- ☐ Average (2 pts)
- ☒ Above (3 pts)

Notes:

Crime Rate - over 120%

Census Tract - 32.04

Allowed Type 47 - (4) currently have ()

Mixed times of operation:

M-Sat 11 am to 1 am, Sun 11 am to 12 am.

VI. Calls for Service at Location (for previous 6 months)

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ☐ Mostly commercial businesses (1 pt)
☒ Some businesses, some residential (2 pts)
☐ Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 16

VIII. Owner(s) records check

- ☒ No criminal incidents (0 pts)
☐ Minor criminal incidents (2 pts)
☐ Multiple/Major criminal incidents (3 pts)

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

Recommendation:

- NCPD does not have a proactive enforcement unit for ABC outlets.

- Within 100' of residences.

- (4) on-sale licenses are allowed, census tract 32.04 currently has (6) and (1) Off-Sale..

-High crime area - crime rate in the area is 329.9%, well above the 120% average ABC
a high crime rate

Completed by: Graham Young, Lt Badge ID: 365



California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Retail Licenses)
and Census Tract = 32.04

Report as of 9/8/2015

License Number	Status	License Type	Orig. iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 370033	ACTIVE	47	5/7/2001	4/30/2016	SOUTH SAN DIEGO STEAKHOUSE L-PSHIP 2980 PLAZA BONITA RD NATIONAL CITY, CA 91950 Census Tract: 0032.04	OUTBACK STEAKHOUSE	1250 PROSPECT ST, STE 305 LA JOLLA, CA 92037-3618	3708
2) 464703	ACTIVE	20	6/23/2008	5/31/2016	TARGET CORPORATION 3060 PLAZA BONITA RD NATIONAL CITY, CA 91950-8004 Census Tract: 0032.04	TARGET T2232	33 S 6TH ST, CC-1028 ATTN: ERIN HOSFIELD MINNEAPOLIS, MN 55402	3708
3) 466444	ACTIVE	47	6/27/2008	5/31/2016	APPLE SOCIAL LLC 3030 PLAZA BONITA RD, STE 1298 NATIONAL CITY, CA 91950-8006 Census Tract: 0032.04	APPLEBEES NEIGHBORHOOD GRILL & BAR	PO BOX 507, ATTN CHERYL MILLS WEST LINN, OR 97068	3708
4) 478145	ACTIVE	47	10/23/2009	9/30/2015	RED ROBIN BURGER & SPIRITS EMPORIUMS 3030 PLAZA BONITA RD, SPC 2520 NATIONAL CITY, CA 91950 Census Tract: 0032.04	RED ROBIN BURGER & SPIRITS EMPORIUM	6312 S FIDDLERS GREEN CIR, STE 600 NORTH GREENWOOD VILLAGE, CO 80111	3708
5) 484721	ACTIVE	41	2/2/2010	1/31/2016	UJPC VENTURES INC 3030 PLAZA BONITA RD, STE 1025 NATIONAL CITY, CA 91950-8009 Census Tract: 0032.04	JOHNS INCREDIBLE PIZZA COMPANY	22342 AVENIDA EMPRESSA, STE 220 RANCHO SANTA MARGARITA, CA 92688-2161	3708
6) 511800	ACTIVE	41	11/28/2011 11:07:53 AM	10/31/2015	SANZEL INC 3001 BONITA RD, STE 100 CHULA VISTA, CA 91910-3265 Census Tract: 0032.04	MEMELAS & THAI BISTRO		3702
7) 521108	ACTIVE	47	10/29/2012 11:16:03 AM	12/31/2015	RM EL TORITO LLC 3030 PLAZA BONITA RD, SPC 2510 NATIONAL CITY, CA 91950-8009 Census Tract: 0032.04	EL TORITO	6660 KATELLA AVE, STE 200, C/O LEASE ADMINISTRATION CYPRESS, CA 90630-5058	3708

--- End of Report ---



**ABC Report
2015 ABC Report NCPD**

Required Parameters

Reporting Period: 01/2015 to 08/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 023

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	4
ROBBERY	31
AGGRAVATED ASSAULT	36
BURGLARY	36
LARCENY	231
MOTOR VEHICLE THEFT	45
Total Part I Crime:	383

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	8
OTHER PART II CRIMES	191
CHILD AND FAMILY	5
DEADLY WEAPONS	4
EMBEZZLEMENT	1
FRAUD	1
GAMBLING	0
MALICIOUS MISCHIEF	2
NARCOTICS	61
SEX CRIMES	1
FORGERY	0
OTHER NON-CRIMINAL	32
Total Part II Arrest:	306

Beat Total = Part I Crime + Part II Arrest: 689

BeatAve. (Agency / Beat): 208.9

Agency Wide Total = Part I Crime + Part II Arrest: 2,924

Beat Total as % of Beat Average: : 329.9%

(120% is considered high crime area)

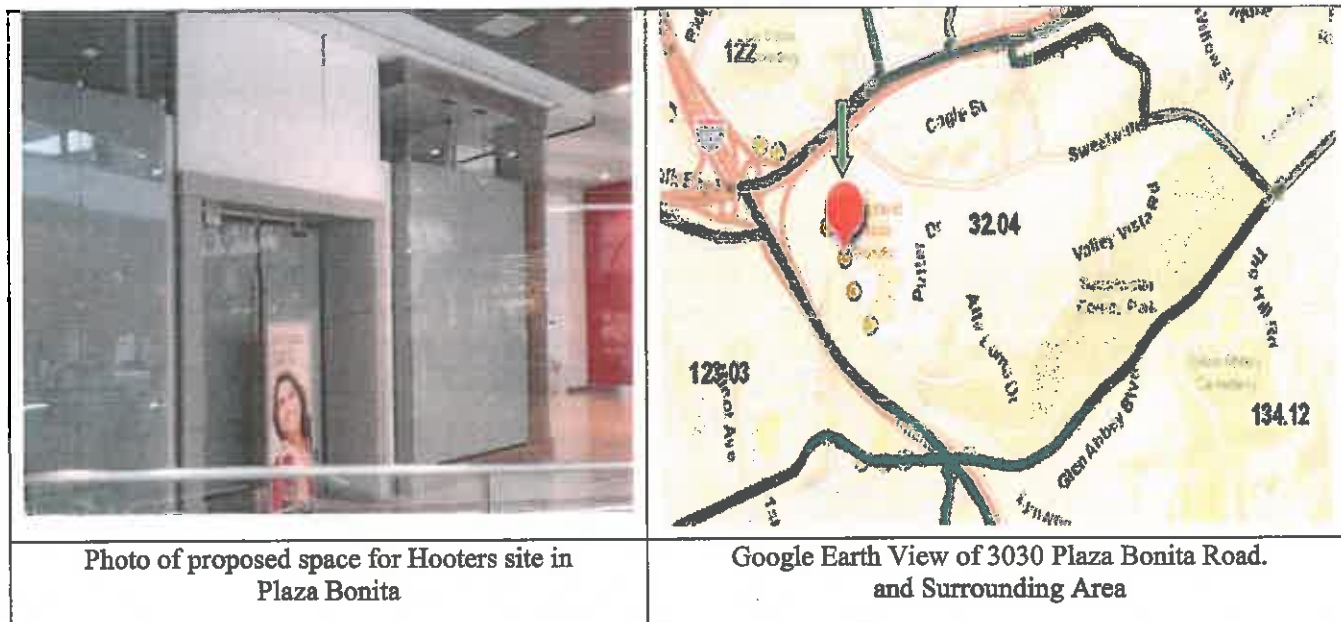


Environmental Scan for Alcohol License C.U.P.

Hooters Restaurant

3030 Plaza Bonita Road, National City, CA 91950

September 14, 2015



This environmental scan is for the Conditional Use Permit for the proposed Hooters Restaurant, located at 3030 Plaza Bonita Blvd National City. The applicant is applying for a Conditional Use Permit to expand the amount of area within the business for sales of Beer, Wine, and Spirits. The business is located East of the 805 Freeway in National City. The applicant is requesting a type 47 Liquor License to sell Beer, Wine and Spirits for on-site consumption. An environmental scan was conducted on Monday, September 14, 2015.

The proposed business is the Hooters Restaurant, a restaurant with sales of food from a menu and beverages. During a scan of the business and property the following was noted:

- The proposed business would be one of several other businesses located in the mall. Currently there are 5 restaurants that have alcohol licenses in Plaza Bonita.
- The location of the proposed Hooters is located approximately 40 feet away from the Race Track for children. (see photo)



Youth Sensitive Areas

Funded by the San Diego County Health and Human Services Agency

2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

www.publicstrategies.org

The business is not located near any youth sensitive areas.

There are no youth sensitive activities that occur near the location such as a school or youth center, but there are other youth activities in this area such as;

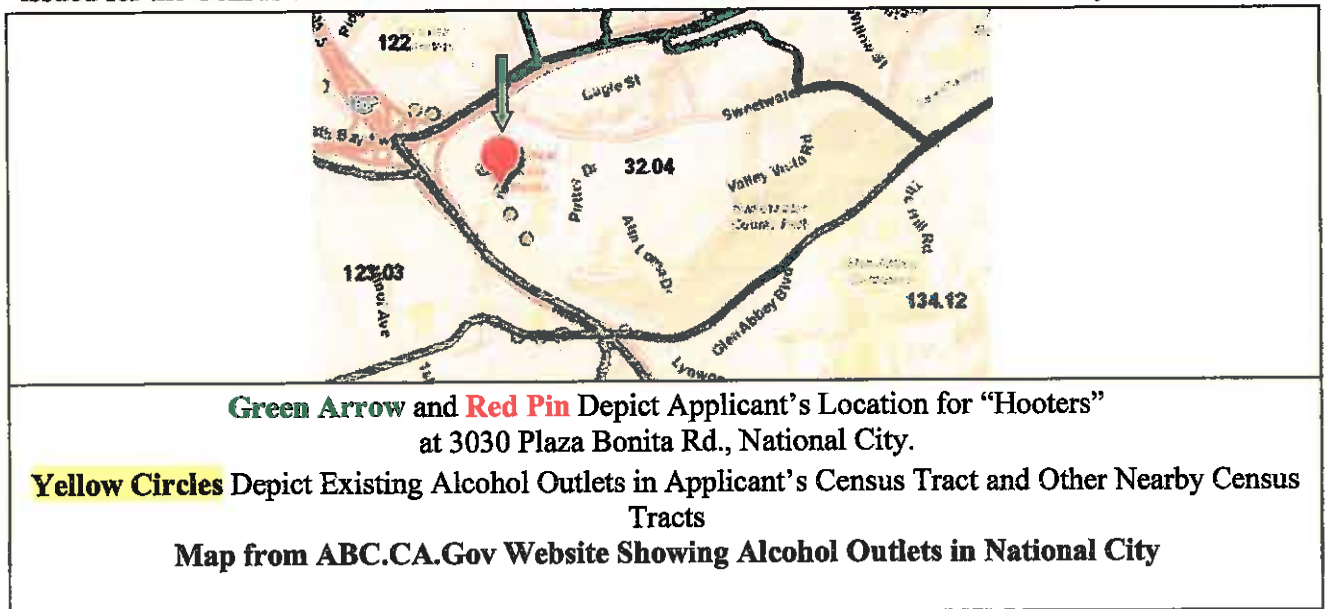
- The children's train loads and unloads at this area during the holidays.
- During the holidays there is a 'Santa & Elves' area in the area in front of the store where children have photo taken with 'Santa'.

Churches

The business is not located near any churches in the area.

Outlet Density

According to the ABC, four (4) on-site licenses are authorized for Census Tract 32.04, the census tract within the area of which the Hooters Restaurant is proposed. Currently there are six (6) on-sale licenses issued for the Census Tract is 32.04. This number exceeds the census tract allocation by 2.



Census Tracts

The South Bay Community Change Project is a project of the Institute for Public Strategies and is funded by the San Diego County Health and Human Services Agency

Page 2 of 3

Mailing Address: 2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104
www.publicstrategies.org

	Off-Sale	On-Sale
Tract 32.04 <i>Establishment is within this tract</i>	Allowed: 2 Actual: 1 Number Above/Below Allowable: -1	Allowed: 4 Actual: 6 Above/Below: +2
	Off-Sale	On-Sale

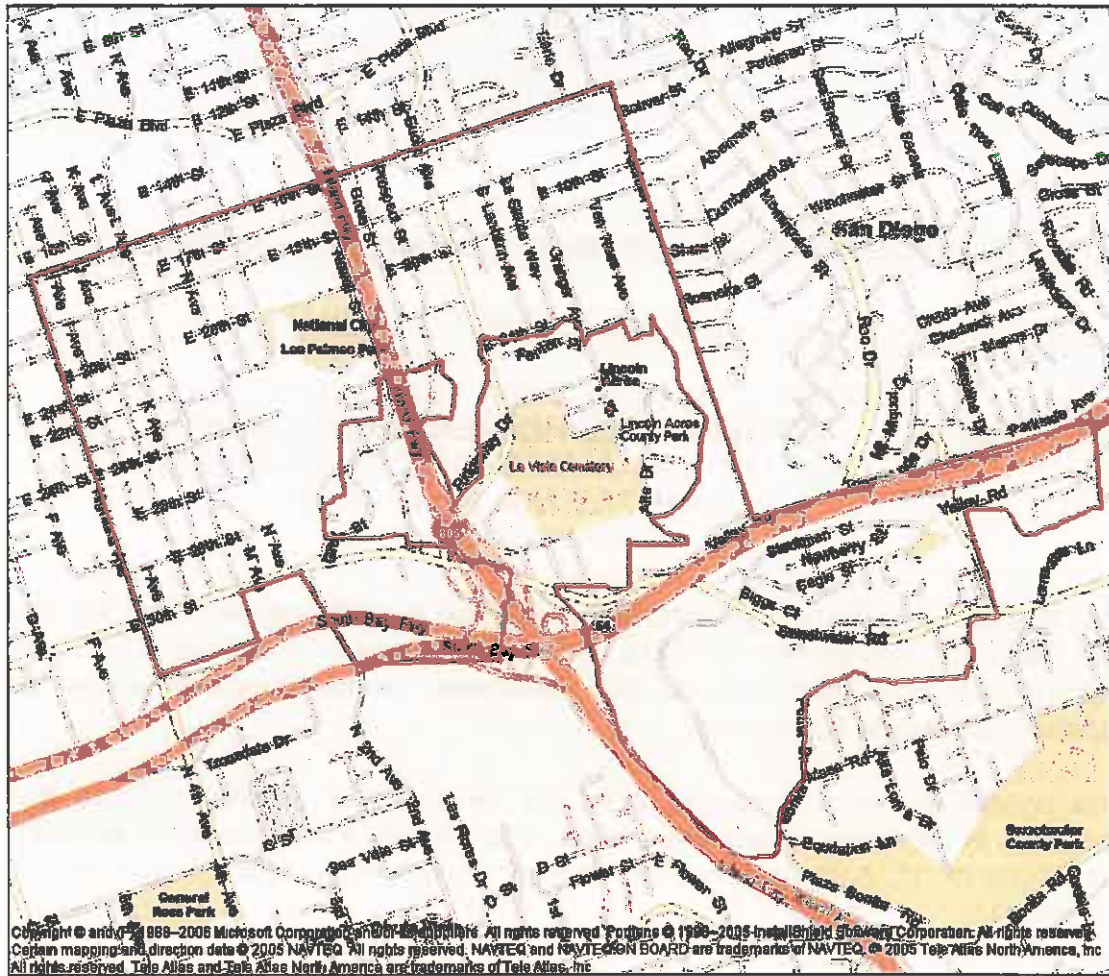
Crime Rate

Please refer to Police Department report.

Considerations

South Bay Community Change staff spoke to a community member Mr. Eddie Perez on September 20, 2015. He expressed his concerns by saying; "We're over saturated as it is in Plaza Bonita. Issuing a CUP for Hooters would result in more people driving under the influence of alcohol in that area".

South Bay Community Change staff also spoke to another community member, Marisol Natividad on September 20, 2015. Her concerns were; "If ABC has a limit on licenses allowed in an area, I have the right as a National City resident to ask that no other alcohol licenses be allowed at Plaza Bonita"



City of National City Beat 23

Source: Microsoft Mappoint
NCPD CAU, 4/18/07



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

**CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT A PROPOSED HOOTERS RESTAURANT
TO BE LOCATED IN WESTFIELD PLAZA BONITA.
CASE FILE NO.: 2015-19 CUP
APN: 564-471-07**

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 16, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Alcoholic Beverage Consulting)

The project site is a proposed 228-seat restaurant at Westfield Plaza Bonita. The applicant is intending to sell beer, wine, and distilled spirits (type 47 license) between the hours of 11 a.m. and 1 a.m. Monday to Saturday, and 11 a.m. to 12 a.m. on Sundays).

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **November 16, 2015**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

RESOLUTION NO. 2015-24

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT A PROPOSED HOOTERS RESTAURANT TO BE LOCATED
IN WESTFIELD PLAZA BONITA.
CASE FILE NO. 2015-22 CUP
APN: 564-471-07**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at a proposed Hooters Restaurant to be located in Westfield Plaza Bonita at a duly advertised public hearing held on November 16, 2015, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-22 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 16, 2015, support the following findings:

- 1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the site is zoned Major Mixed-Use District (MXD-2), which allows the sale of alcoholic beverages for on-site consumption as an accessory use to eating places subject to a CUP.**
- 2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and because alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District zone.**
- 3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because there are five other restaurants at Westfield Plaza Bonita that sell alcohol, and because no increase in square-footage would occur.**

4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to a restaurant use in an existing commercial suite, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a restaurant, an established and allowed use in the Major Mixed-Use District Zone.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes the sale of beer, wine, and distilled spirits at a proposed restaurant to be located in Westfield Plaza Bonita. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2015-19 CUP, dated 8/27/2015.
2. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.

5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

7. The sale of alcoholic beverages shall be limited to between the hours of 11:00 a.m. to 1:00 a.m. Monday to Saturday, and 11:00 a.m. to 12:00 a.m. on Sundays.
8. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
9. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
10. Alcohol shall be available only in conjunction with the purchase of food.
11. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Police

12. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 16, 2015, by the following vote:

AYES: Garcia, Baca, Yamane, Bush, Flores, Alvarado

NAYS: Dela Paz

ABSENT: None

ABSTAIN: None



CHAIRPERSON

NO.	DESCRIPTION
1	
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8	
9	
10	

DAVID BRENNAN ARCHITECT
2658 UNIVERSITY AVE. 344
SAN DIEGO CA 92104

HOOTERS OF PLAZA BONITA #1430
PLAZA BONITA ROAD, NATIONAL CITY, CA 91960

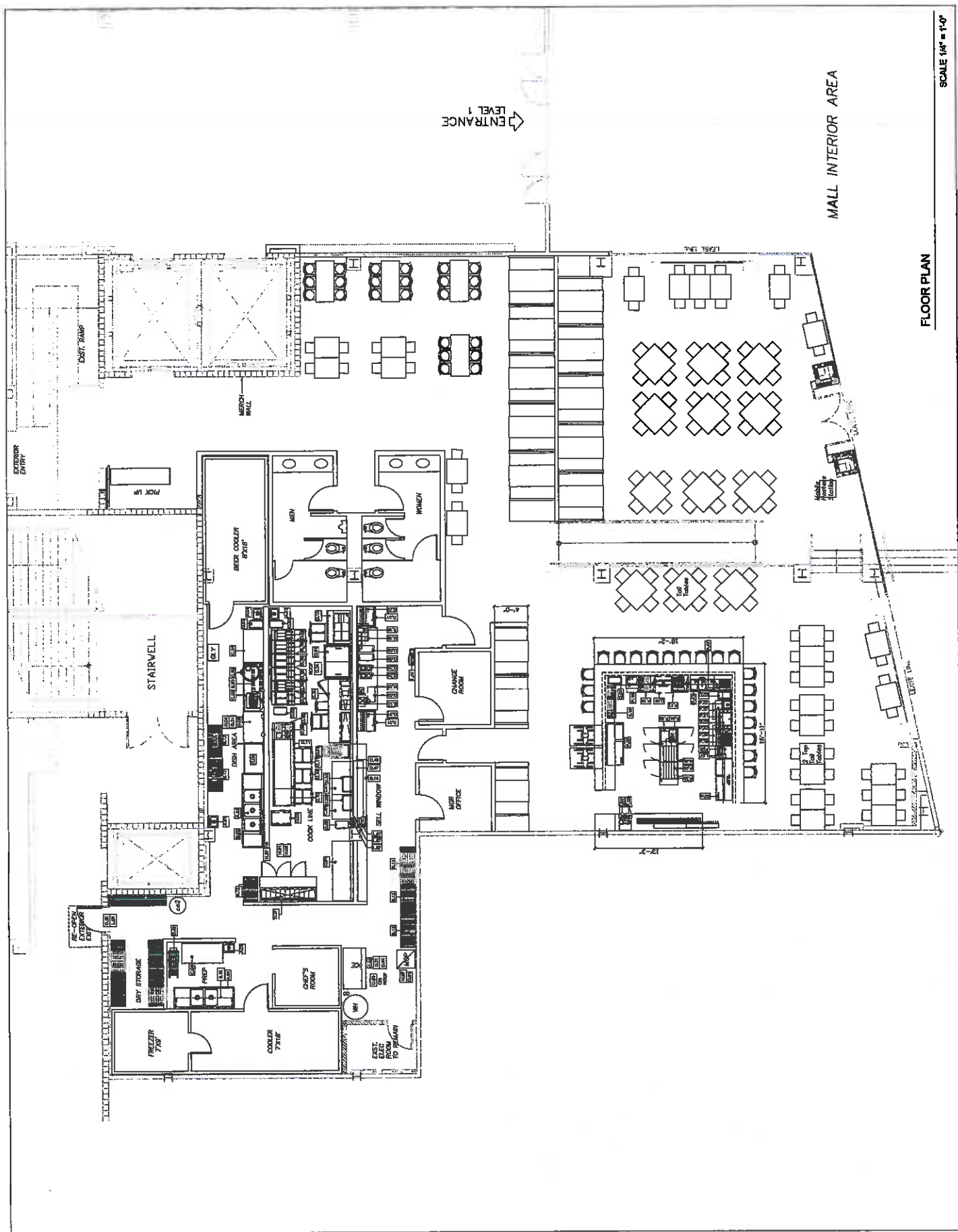


SCALE 1/4" = 1'-0"

FLOOR PLAN

MALL INTERIOR AREA

LEVEL 1
ENTRANCE



The following page(s) contain the backup material for Agenda Item: Notice of Decision – Planning Commission approval of a Conditional Use Permit for a drive-through aisle as part of a new commercial building to be located at 1325 E. Plaza Blvd. (Applicant: Russell Stout & Associates.) (Case File 2015-22 CUP) (Planning)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. _____

ITEM TITLE:

Notice of Decision – Planning Commission approval of a Conditional Use Permit for a drive-through aisle as part of a new commercial building to be located at 1325 E. Plaza Blvd (Applicant: Russell Stout & Associates.) (Case File 2015-22 CUP)

PREPARED BY:  Martin Reeder, AICP

DEPARTMENT: Planning

PHONE: 336-4313

APPROVED BY: 

EXPLANATION:

The former Sizzler property located at 1325 Plaza Blvd. has recently been sold. The new property owner is planning on demolishing the existing building and has applied for a Conditional Use Permit (CUP) to construct a drive-through aisle as part of the proposed redevelopment of the site. The retail use (commercial center) is a permitted use within the MXD-2 zone. However, businesses with a drive-through require the issuance of a CUP.

Planning Commission conducted a public hearing on November 16, 2015. Commissioners asked questions regarding tenants, design, landscaping, and conditions of approval. The Commission voted to approve the Conditional Use Permit based on required findings and subject to Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Categorically Exempt pursuant to Class 1 Section 15311 (Accessory Structures)

ORDINANCE: ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Conditional Use Permit.
Ayes: Alvarado, Baca, Bush, DeLaPaz, Garcia, Flores, Yamane

ATTACHMENTS:

- | | |
|-------------------------------------|---------------------------|
| 1. Overhead | 3. Resolution No. 2015-23 |
| 2. Planning Commission Staff Report | 4. Reduced Plans |

2015-22 CUP – Former Sizzler – Overhead





CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - CONDITIONAL USE PERMIT
FOR A DRIVE-THROUGH AISLE AS PART OF A
NEW COMMERCIAL BUILDING TO BE LOCATED
AT 1325 E. PLAZA BLVD.

Case File No.: 2015-22 CUP

Property Location: Northwest corner of Plaza Blvd. & "N" Avenue

Assessor's Parcel No.: 557-250-40 & 41

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Russel Stout & Associates

Zoning designation: Major Mixed-Use District (MXD-2)

Adjacent land use/zoning:

North: Apartments / RM-3 (Very High Density Multi-Unit Residential)

East: Plaza Square shopping center across "N" Avenue / MXD-2

South: South Bay Plaza shopping center across Plaza Blvd / MXD-2

West: Discount Tire / MXD-2

Environmental review: Categorically Exempt pursuant to Class 1 Section 15311 (Accessory Structures)

Staff recommendation: Approve

BACKGROUND

The former Sizzler property located at 1325 Plaza Blvd. has recently been sold. The new property owner is planning on demolishing the existing building and has applied for a Conditional Use Permit (CUP) to construct a drive-through aisle as part of the proposed redevelopment of the site.

Site Characteristics

The approximately 41,000 square-foot project site is comprised of two separate parcels developed with the former Sizzler restaurant and parking lot. The properties are located within the MXD-2 (Major Mixed-Use District) zone. The existing 6,762 square-foot building is to be demolished. There are currently three driveways accessing the property, two on "N" Avenue and one on Plaza Blvd. There are several other drive-through businesses in the area, including Jollibee across "N" Avenue and Carl's Jr. across Plaza Blvd.

Proposal

The applicant proposes to construct a 7,850 square-foot commercial center with five suites. The building would be located along the western portion of the lot and just north of Plaza Blvd. As part of the center, the applicant is proposing a new drive-through aisle, which requires a Conditional Use Permit (CUP). The drive-through aisle would enter from the north end of the building and exit at the south end, traversing the western property line. Access to the site will remain from Plaza Blvd. and "N" Avenue, although one of the driveways on "N" Avenue would be removed. The property owner has stated that no tenants have signed a contract at this time; however, plans show a proposed Starbucks coffee shop in the suite intended to utilize the drive-through aisle (the closest suite to Plaza Blvd.).

Analysis

The retail use (commercial center) is a permitted use within the MXD-2 zone. However, businesses with a drive-through require the issuance of a CUP. In addition, Chapter 18.41 – Site Planning Standards – has specific design requirements for drive-through businesses, including:

- Minimum queuing distances (established by CUP).
- Minimum 25-foot interior turning radius for drive-through aisles.
- Location of drive-through window and landscaping requirements.

The site plan shows approximately 160 feet of vehicle queuing distance prior to the ordering/menu board, with another 70 feet to the pick-up window. The drive-through aisle begins at the north end of the proposed building and exits at the south end, near the driveway on Plaza Blvd. The drive-through aisle entry point is approximately 100 feet west of the "N" Avenue driveway. The proposed pick-up window is on the south side of the building. Due to the extent of potential vehicle queuing (260 feet or 13 vehicles), overflow of vehicles into adjacent streets is not expected to be an issue, even at peak times. The turning radius of the aisle is 25 feet, which is consistent with the Land Use Code requirement.

The Land Use Code states that a drive-through window may not be located between the right-of-way and the building without a minimum 10-foot wide landscape buffer. The buffer shall have a minimum three-foot high hedge with trees spaced at least every 20 feet. The landscape plan for the project is consistent with these requirements and is conditioned to be included with plans submitted for construction. Approximately 70 feet of the driveway adjacent to Plaza Blvd. would require the buffer, although the project site will be adequately landscaped outside of the drive-through aisle buffer area.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

Drive-through businesses are identified as a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone, and the proposed drive-through aisle meets all requirements as contained in NCMC §18. 41 – Site Planning Standards.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

The Land Use Code conditionally-allows drive-through businesses in the MXD-2 zone; the Land Use Code is consistent with the General Plan. Additionally, there are no Specific Plans affecting this location.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

According to SANDAG (San Diego Association of Governments) data, a 1,800 square-foot fast food restaurant (closest comparison) with a drive-through would generate approximately 1,170 average daily trips (ADT). With the addition of the commercial area in the proposed building, a total of 1,542 ADT can be expected. The previous Sizzler restaurant would have generated approximately 1,082 ADT.

Access to and from the site is provided by Plaza Blvd., an arterial street operating at a Level of Service (LOS) of B. According to the General Plan, the addition of 460 ADT (total proposed with whole center subtracting previous restaurant) would not increase capacities so as to decrease the current LOS. The current ADT capacity of Plaza Blvd. in this segment (Highland Avenue to Palm Avenue) is 40,000 with a current ADT of 17,300; therefore, staff is of the opinion that the existing road network can accommodate the additional traffic generated by the new business.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The property will be completely redeveloped and will provide enough parking spaces based on provisions outlined in the Land Use Code. In addition, the proposed drive-through aisle meets all requirements for such uses outlined in the Land Use Code, as discussed above.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

Noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is mostly commercial and located close to an arterial street. In addition, the ordering/menu board is located on the west side of the property, not facing the residential properties to the north. Recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering board. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is Categorically Exempt under the California Environmental Quality Act (CEQA) pursuant to Class 3 Section 15311. This section allows for construction or placement of minor structures accessory to commercial facilities. The commercial center itself is permitted by right and would otherwise be exempt from CEQA as it would only require a ministerial permit (building permit). The drive-through aisle is appurtenant to the restaurant and would thus be consistent with this exemption.

Department Comments

Conditions of Approval are included that address Building, Engineering, and Fire Department comments. Conditions cover code requirements (Fire & Building), grading and improvement requirements (Engineering), and design and performance regulations for the drive through (Planning).

Summary

The proposed drive-through is consistent with the Land Use Code with the approval of a Conditional Use Permit. Conditions of Approval will ensure that the business operates in harmony with existing uses in the area. The potential impacts are minimal since design guidelines ensure an appropriately-designed project. The new commercial center will contribute to the viability of the surrounding commercial area, and will activate a long-vacant property.

OPTIONS

1. Approve 2015-22 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-22 CUP based on findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions of Approval
3. Overhead
4. Notice of Exemption
5. Public Hearing Notice (Sent to 137 property owners and occupants)
6. Site Photos
7. Applicant's Plans (Exhibit A, Case File No. 2015-22 CUP dated 9/4/2015)

A handwritten signature in black ink, appearing to read 'Martin Reeder', with a stylized, flowing script.

MARTIN REEDER, AICP
Principal Planner

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT
2015-22 CUP – 1325 E. Plaza Blvd.

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because drive-through businesses are identified as a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because drive-through businesses are conditionally-allowed by the Land Use Code, which is consistent with the General Plan, in the MXD-2 zone; and because there are not specific plans in the area.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the proposed design meets all design requirements for drive-through businesses, and because the current street network is able to absorb additional vehicular traffic without resulting in an unsatisfactory level of service.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the property will be completely redeveloped and will provide enough parking spaces based on provisions outlined in the Land Use Code.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that require compliance with the National City Municipal Code.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 11 Section 15311 (Accessory Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT
2015-22 CUP – 1325 E. Plaza Blvd.

General

1. This Conditional Use Permit authorizes a drive-through aisle for a new five-suite commercial shopping center. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2015-22 CUP dated 9/4/2015.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of the permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permit.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical Codes.

Engineering

6. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

7. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
8. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
9. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A checklist for preparation of the grading plan/drainage plan is available at the Engineering Department.
10. The existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
11. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
12. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
13. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
14. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically all sidewalk, curb and gutter

along all property street frontage, also the westerly half of the cross gutter at the intersection of N Avenue and E. Plaza Boulevard.

15. The existing pedestrian ramp at the following locations, northwesterly corner of the intersection at N Avenue and E. Plaza Boulevard shall be removed and replaced with standard ramp complying with the A.D.A. requirements and the San Diego Regional Standard Drawings G-29 and G-30
16. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
17. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
18. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
19. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
20. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
21. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.

Fire

22. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.

Planning

23. A landscape and underground irrigation plan shall be submitted as part of the building permit process. Installation and continued maintenance of minimum landscaping items required by the Land Use Code, including a minimum three-foot hedge and trees spaces 20 feet on center along the Plaza Blvd. frontage, shall be provided.

24. Plans shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
25. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.
26. Plans submitted for construction permits shall show that a cover for the new trash enclosure shall be provided. Construction plans shall show the details of the enclosure to the satisfaction of the Fire and Engineering Departments.
27. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting).



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2015-22 CUP

Project Location: 1325 East Plaza Blvd., National City, CA 91950

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional use permit for a new drive-through aisle related to a new commercial strip center.

Applicant Name and Address:

Russell Stout & Associates
4635 Cass Street
San Diego, CA 92109

Telephone Number:

(619) 851-2812

Exempt Status:

☒ **Categorical Exemption. Class 11, Section 15311 (Accessory Structures)**

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since construction of the drive-through aisle will be within the property envelope, which is currently developed and devoid of any habitat or sensitive lands use. The aisle is a minor structure that will be accessory to a new commercial building to replace the existing development.

Date:

MARTIN REEDER, AICP
Principal Planner



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

PUBLIC HEARING - CONDITIONAL USE PERMIT FOR
A DRIVE-THROUGH AISLE AS PART OF A NEW
COMMERCIAL BUILDING TO BE LOCATED AT 1325 E. PLAZA BLVD.
CASE FILE NO: 2015-22 CUP
APN: 557-250-40 & 41

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 16, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Russell Stout & Associates).

The applicant proposes to construct a 7,850 square-foot commercial center with five suites. As part of the center, the applicant is proposing a new drive-through aisle, which requires a Conditional Use Permit.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **November 16, 2015**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the public hearing entity conducting the hearing at, or prior to, the public hearing.

PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

2015-22 CUP – Former Sizzler – Site Photos



Looking northwest from Plaza Blvd.



Looking southwest from "N" Avenue

RESOLUTION NO. 2015-23

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR A
DRIVE-THROUGH AISLE AS PART OF A NEW COMMERCIAL BUILDING
TO BE LOCATED AT 1325 E. PLAZA BLVD.
CASE FILE NO. 2015-22 CUP
APN: 557-250-40 & 41

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a drive-through aisle as part of a new commercial building to be located at 1325 E. Plaza Blvd. at a duly advertised public hearing held on November 16, 2015, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-22 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 16, 2015, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because drive-through businesses are identified as a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because drive-through businesses are conditionally-allowed by the Land Use Code, which is consistent with the General Plan, in the MXD-2 zone; and because there are not specific plans in the area.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the proposed design meets all design requirements for drive-through businesses, and because the current street network is able to absorb additional vehicular traffic without resulting in an unsatisfactory level of service.

4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the property will be completely redeveloped and will provide enough parking spaces based on provisions outlined in the Land Use Code.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that require compliance with the National City Municipal Code.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 11 Section 15311 (Accessory Structures), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes a drive-through aisle for a new five-suite commercial shopping center. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2015-22 CUP dated 9/4/2015.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of the permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permit.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical Codes.

Engineering

6. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
7. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
8. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
9. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A checklist for preparation of the grading plan/drainage plan is available at the Engineering Department.
10. The existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
11. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
12. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.

13. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
14. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically all sidewalk, curb and gutter along all property street frontage, also the westerly half of the cross gutter at the intersection of N Avenue and E. Plaza Boulevard.
15. The existing pedestrian ramp at the following locations, northwesterly corner of the intersection at N Avenue and E. Plaza Boulevard shall be removed and replaced with standard ramp complying with the A.D.A. requirements and the San Diego Regional Standard Drawings G-29 and G-30
16. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
17. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
18. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
19. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
20. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
21. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.

Fire

22. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.

Planning

23. A landscape and underground irrigation plan shall be submitted as part of the building permit process. Installation and continued maintenance of minimum landscaping items required by the Land Use Code, including a minimum three-foot hedge and trees spaces 20 feet on center along the Plaza Blvd. frontage, shall be provided.
24. Plans shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
25. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.
26. Plans submitted for construction permits shall show that a cover for the new trash enclosure shall be provided. Construction plans shall show the details of the enclosure to the satisfaction of the Fire and Engineering Departments.
27. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting).

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 16, 2015, by the following vote:

AYES: Garcia, Baca, Yamane, Bush, Alvarado, Flores Dela Paz

NAYS: None

ABSENT: None

ABSTAIN: None



CHAIRPERSON

EXHIBIT: **A**
CASE FILE NO.: 2015-22
DATE: 9/14/2015 *WUP*

[illegible]

ASSOCIATES, INC.
4635 CASS STREET
SAN DIEGO, CA. 92109

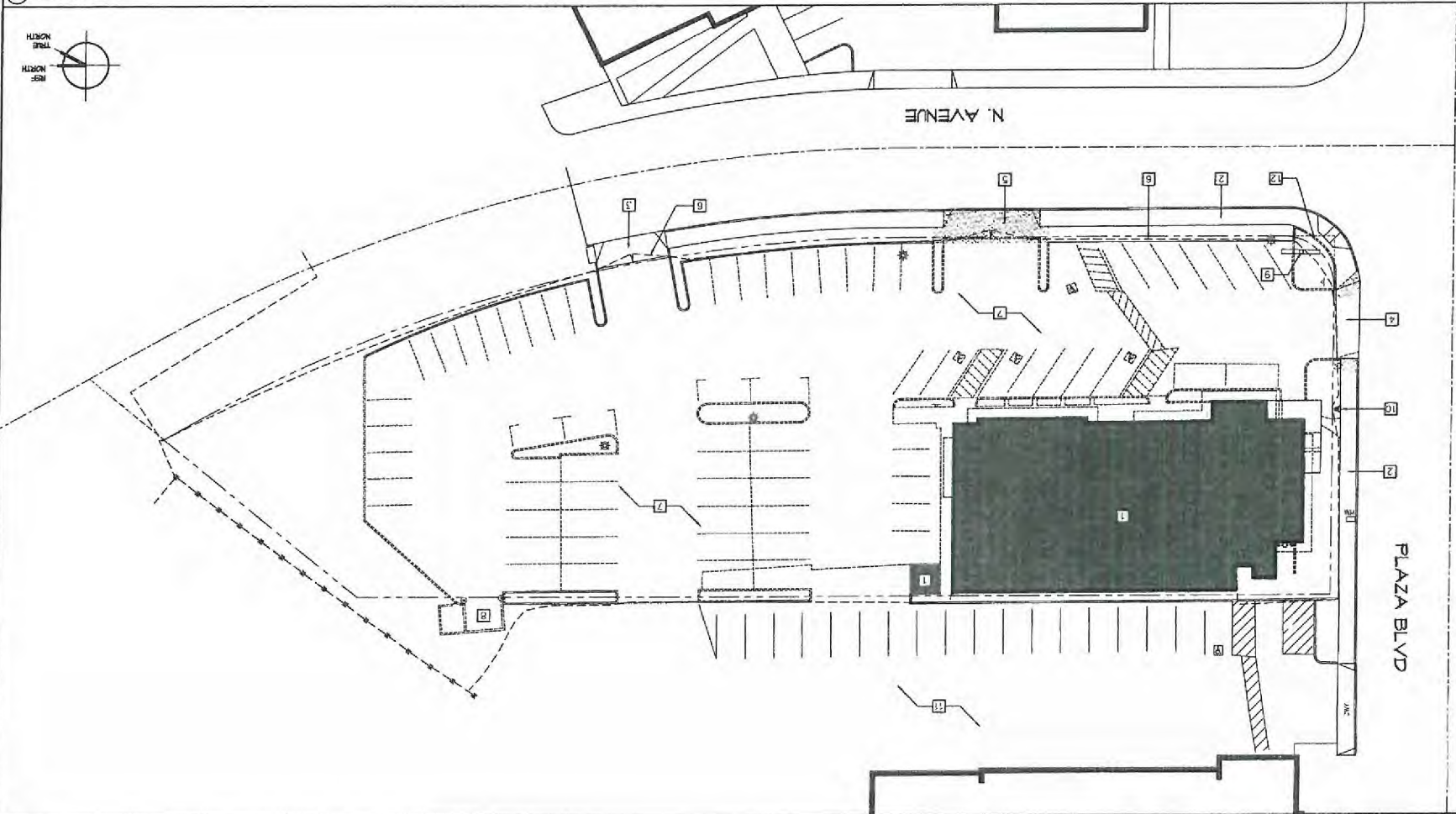
SHOPPING CENTER DEVELOPMENT
1325 EAST PLAZA BLVD.
NATIONAL CITY, CA 91950

COVER SHEET

Order:	08-25-19
Series:	AS SHOM
Drawn:	RVD
Job No.:	
Sheet:	CS-1
Of	Sheets

05/16/2017 RJA

DEMO SIDE PLAN



KEYNOTES:

- 1 EXISTING BUILDING / SIDEWALKS & CURBS TO BE DEMOLISHED
- 2 EXISTING PUBLIC SIDEWALK TO REMAIN
- 3 EXISTING CURB CUT TO BE REMAIN
- 4 EXISTING CURB CUT TO BE REFORMED (SEE NO.11)
- 5 EXISTING CURB CUT TO BE REMOVED & REPLACED WITH SIDEWALK (PER CITY STANDARDS) AND LANDSCAPE
- 6 EXISTING SATE & FENCES TO BE REMOVED, TYP.
- 7 EXISTING ASPHALT LANDSCAPE ISLANDS & LIGHT POLES TO BE REMOVED AS REQUIRED
- 8 EXISTING TRASH ENCLOSE TO BE REMOVED
- 9 EXISTING HORIZONTAL SIGN TO REMAIN
- 10 EXISTING PUBLIC SIDEWALK TO REMAIN
- 11 EXISTING CURB CUT TO BE REFORMED (SEE NO.11)
- 12 EXISTING CURB CUT TO BE REMOVED & REPLACED WITH SIDEWALK (PER CITY STANDARDS) AND LANDSCAPE

TC-1

EXISTING
CONDITIONS
DEMO PLAN

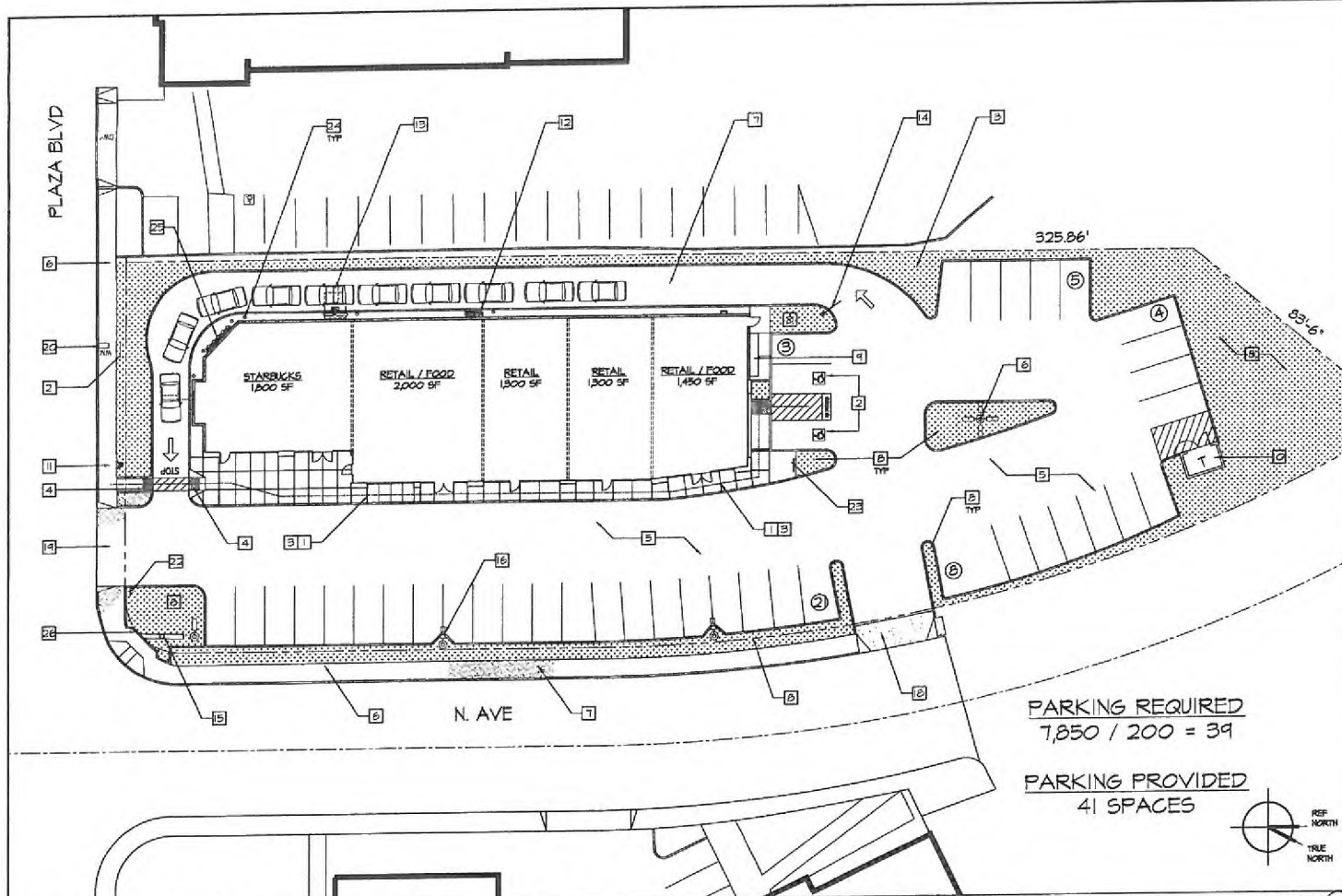
SHOPPING CENTER DEVELOPMENT
1325 EAST PLAZA BLVD.
NATIONAL CITY, CA 91950

RUSSELL STOUT & ASSOCIATES, INC.
ARCHITECTURE & PLANNING

4000 GOLF STREET
SUITE 200
SAN DIEGO, CA 92121



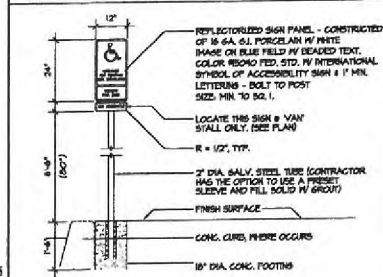
REVISIONS



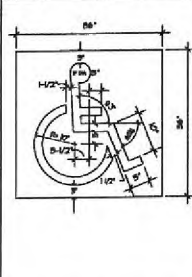
PARKING REQUIRED
 $7,850 / 200 = 39$

PARKING PROVIDED
 41 SPACES

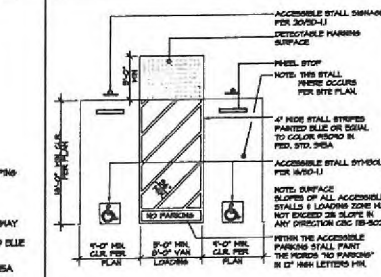
ENLARGED SITE PLAN (EXISTING - FOR REFERENCE ONLY)



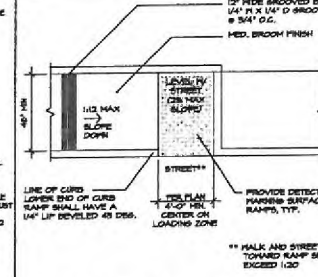
PARKING STALL SIGNAGE



ACCESS PARKING STALL



PARKING STALL



ACCESS RAMP

Scale: 1/4"=1'-0"

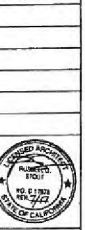
- 1 ACCESSIBLE PATH OF TRAVEL, MAX. CROSS SLOPE 2%, MAX. SLOPE IN DIRECTION OF TRAVEL, SEE ACCESSIBILITY NOTES 4 / SD-1.1, PAINT 4" WIDE BLUE STRIPED PATH WHERE PATH OF TRAVEL CROSSES DRIVE AISLES / PARKING. SEE 12 / SD-1.1 FOR STRIPPING
- 2 ACCESSIBLE PARKING STALL, LOADING ZONE, RAMP & SIGNAGE PER DETAILS 8/SD-1.1, 12/SD-1.1, 16/SD-1.1 AND 20/SD-1.1
- 3 NEW HARDSCAPE
- 4 NEW RAMP PER DETAILS
- 5 PARKING / DRIVE AISLES
- 6 EXISTING PUBLIC SIDEWALK
- 7 NEW PUBLIC SIDEWALK AT REMOVED DRIVEWAY
- 8 LANDSCAPE PER LANDSCAPE DRAWINGS
- 9 NEW 1000 AMP ELECTRICAL CABINET
- 10 NEW TRASH ENCLOSURE
- 11 EXISTING FIRE HYDRANT
- 12 PREVIEW NEW BOARD
- 13 NEW BOARD / CANOPY
- 14 HEIGHT RESTRICTIVE BAR
- 15 EXISTING HOIST SIGN TO REMAIN
- 16 SITE LIGHTING, TYP
- 17 NEW DRIVE THRU LANE
- 18 EXISTING CURB CUT
- 19 MODIFIED CURB CUT TO ALIGN WITH NEW DRIVE ISLE PER CITY STANDARDS
- 20 WATER METER
- 21 NEW WATER BACKFLOW
- 22 ACCESSIBLE ENTRY SIGNAGE
- 23 BICYCLE RACK
- 24 PIPE BOLLARD
- 25 GAS METERS
- 26 MODIFY CURB / LANDSCAPE AS REQUIRED TO PROVIDE 4'-0" MIN. AROUND RAMP

KEY NOTES

- 1 ACCESSIBLE PATH OF TRAVEL - CONTRACTOR TO FIELD VERIFY THE SLOPE AND CROSS SLOPE OF THE ACCESSIBLE PATH OF TRAVEL. PER REQUIREMENTS BELOW AND PARKING SPACES AND PASSENGER ACCESS AISLES ARE MAXIMUM 2% SLOPE.
- 2 THE ACCESSIBLE PATH OF TRAVEL AT ALL ENTRY DOORS SHALL BE A MAXIMUM OF 2% IN ALL DIRECTIONS AT THE REQUIRED LANDING AREA PER DETAIL 20 / SD-1.1
- 3 SIDEWALK ALONG ACCESSIBLE PATH OF TRAVEL SHALL HAVE A CONTINUOUS COMMON SURFACE, NOT INTERRUPTED BY STEPS OR ABRUPT CHANGES IN LEVEL EXCEEDING 1/4" AND SHALL BE A MINIMUM OF 40" IN WIDTH
- 4 WHEN THE SLOPE IN THE DIRECTIONS OF TRAVEL EXCEEDS 2% IT SHALL COMPLY WITH THE PROVISIONS FOR PEDESTRIAN RAMPS 5.0308 (1 FOOT RISE IN 12 FEET OF HORIZONTAL RUN)
- 5 WHEN RAMP IS REQUIRED DUE TO EXISTING CONDITIONS, CONTRACTOR TO PROVIDE ARCHITECT WITH TOP & BOTTOM OF SLOPES, SIDEWALK WIDTH, ETC. IN ORDER FOR ARCHITECT TO PROVIDE RAMP DESIGN DETAILS
- 6 ALL WALK & SIDEWALK SURFACES SHALL BE SLIP RESISTANT.
- 7 ACCESSIBLE PARKING SPACES: SLOPE & CROSS SLOPE OF ACCESSIBLE SPACES AND ACCESS AISLES SHALL BE A MAXIMUM OF 2%.
- 8 CURB RAMPS:
 - A. SLOPE SHALL NOT EXCEED 0.50% (1 FOOT RISE IN 12 FEET OF HORIZONTAL RUN)
 - B. CROSS SLOPE SHALL NOT EXCEED 2%
- 9 C. FLARED SIDES
- 10 PROVIDE DETECTABLE WARNING SURFACE AT ALL SIDEWALK TO PARKING/DRIVE AISLE CONDITIONS.

SITE ACCESSIBILITY NOTES

REVISIONS

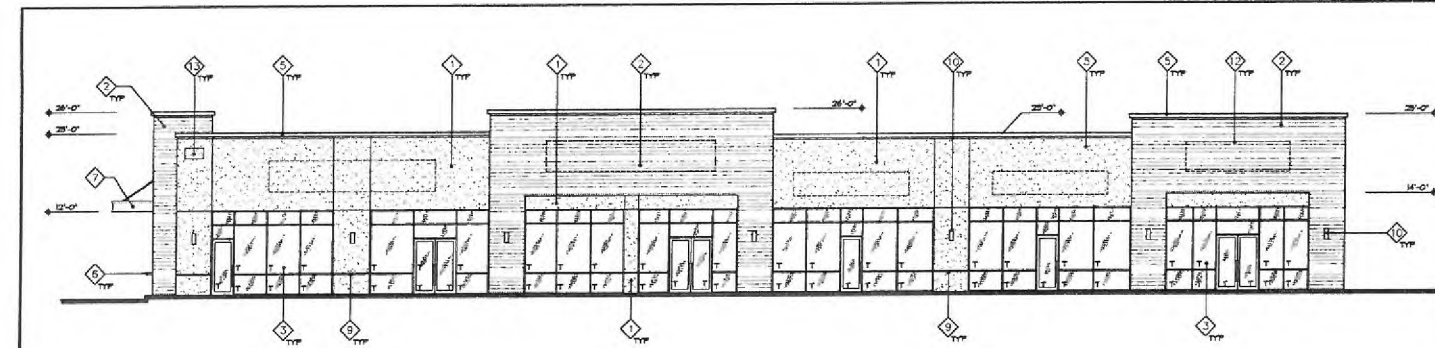


RUSSELL STOUT & ASSOCIATES, INC.
 ARCHITECTURE & PLANNING
 1325 EAST PLAZA BLVD.
 NATIONAL CITY, CA 91950
 619.591.2012
 FAX 619.591.2012

SHOPPING CENTER DEVELOPMENT
 1325 EAST PLAZA BLVD.
 NATIONAL CITY, CA 91950

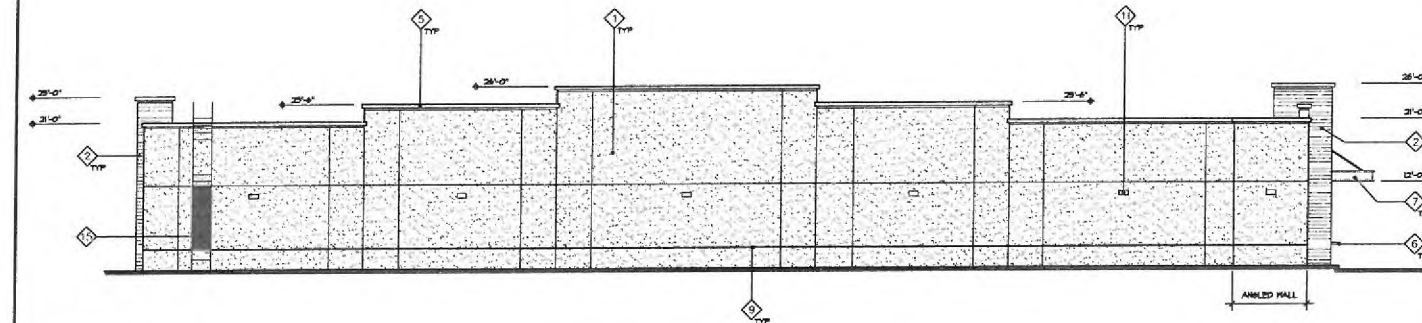
ENLARGED
 SITE PLAN
 & DETAILS

Date: 08-25-06
 Scale: AS SHOWN
 Drawn: RUP
 Job No.:
 Sheet:
 SD-1.1
 of 2 Sheets



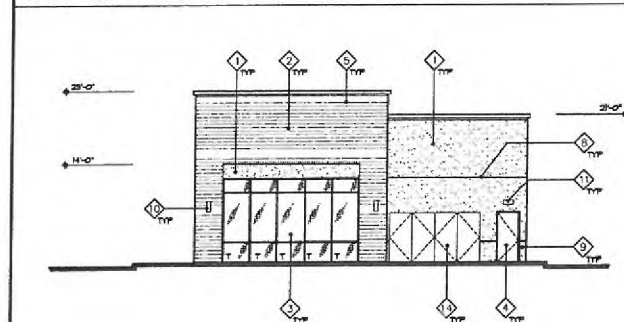
EAST ELEVATION

SCALE 1/8" = 1'-0" (5)

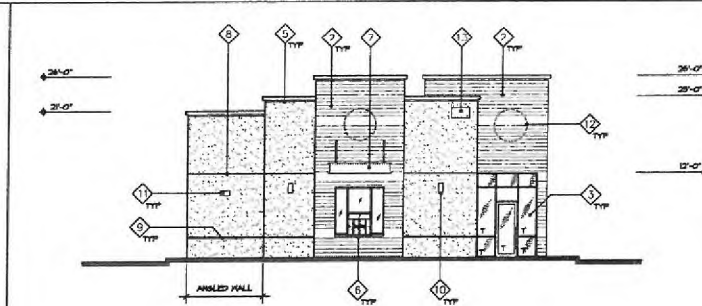


WEST ELEVATION

SCALE 1/8" = 1'-0" (6)



NORTH ELEVATION



SOUTH ELEVATION

SCALE 1/8" = 1'-0" (7)

- 1 NEW 1/2" EXTERIOR GYPSUM PLASTER OVER METAL LATH OVER MIN. 2 LAYERS BRICK 1" BUILDING PAPER AT EXTERIOR SIDE.
- 2 PROVIDE LIGHT SAND FINISH
- 3 HORIZONTAL PLANK SIDING CUTS JUNT VERTICAL EDGES - (1/2" SPACE BETWEEN HORIZONTAL EDGES)
- 4 NEW DUAL GLAZED STOREFRONT SYSTEM TEMPERED GLAZING (1) AS REQ'D GOLDEN CLEAR ANODIZED ALUMINUM FRAME, TYP
- 5 HOLLOW METAL DOOR & FRAME PAINTED TO MATCH ADJACENT SURFACE, TYP
- 6 CORNER
- 7 DRIVE THRU WINDOW / SHELF
- 8 DRIVE THRU STEEL CHANNEL CANOPY
- 9 PLASTER CONTROL JOINT
- 10 STUCCO / STUCCO ALUMINUM REVEAL
- 11 DECORATIVE MALL SCORCE / LIGHT FIXTURE
- 12 NEW DOWN LIGHT MALL PACK
- 13 INDICATES ZONE FOR FUTURE SIGNAGE UNDER SEPARATE POINT
- 14 PROVIDES IDENTIFICATION, PROVIDE 6" MIN. HIGH 3" WIDE CONTRASTING BACKGROUND, FINISH / VISIBLE TO STREET TO WHICH THE BUILDING IS ADDRESSED
- 15 WEATHERPROOF ELECTRICAL CABINET, CABINET TO BE PAINTED TO MATCH ADJACENT BUILDING SURFACE
- 16 ROOF ACCESS LADDER
- 17 LOCATION OF ROOF DRAIN & OVERFLOW IN MALL w/ DRAIN LINE THRU CURB.

KEYNOTES:

- 1 INDICATES STOREFRONT
- 2 INDICATES STUCCO WALLS LIGHT SAND FINISH
- 3 INDICATES HOOD SIDING
- (1) INDICATES TEMPERED GLAZING

LEGEND:

REVISIONS

NO.	DATE	DESCRIPTION
1	08-25-15	AS SHOWN
2	08-25-15	REV'D
3	08-25-15	REV'D
4	08-25-15	REV'D
5	08-25-15	REV'D
6	08-25-15	REV'D
7	08-25-15	REV'D
8	08-25-15	REV'D
9	08-25-15	REV'D
10	08-25-15	REV'D
11	08-25-15	REV'D
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13	08-25-15	REV'D
14	08-25-15	REV'D
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18	08-25-15	REV'D

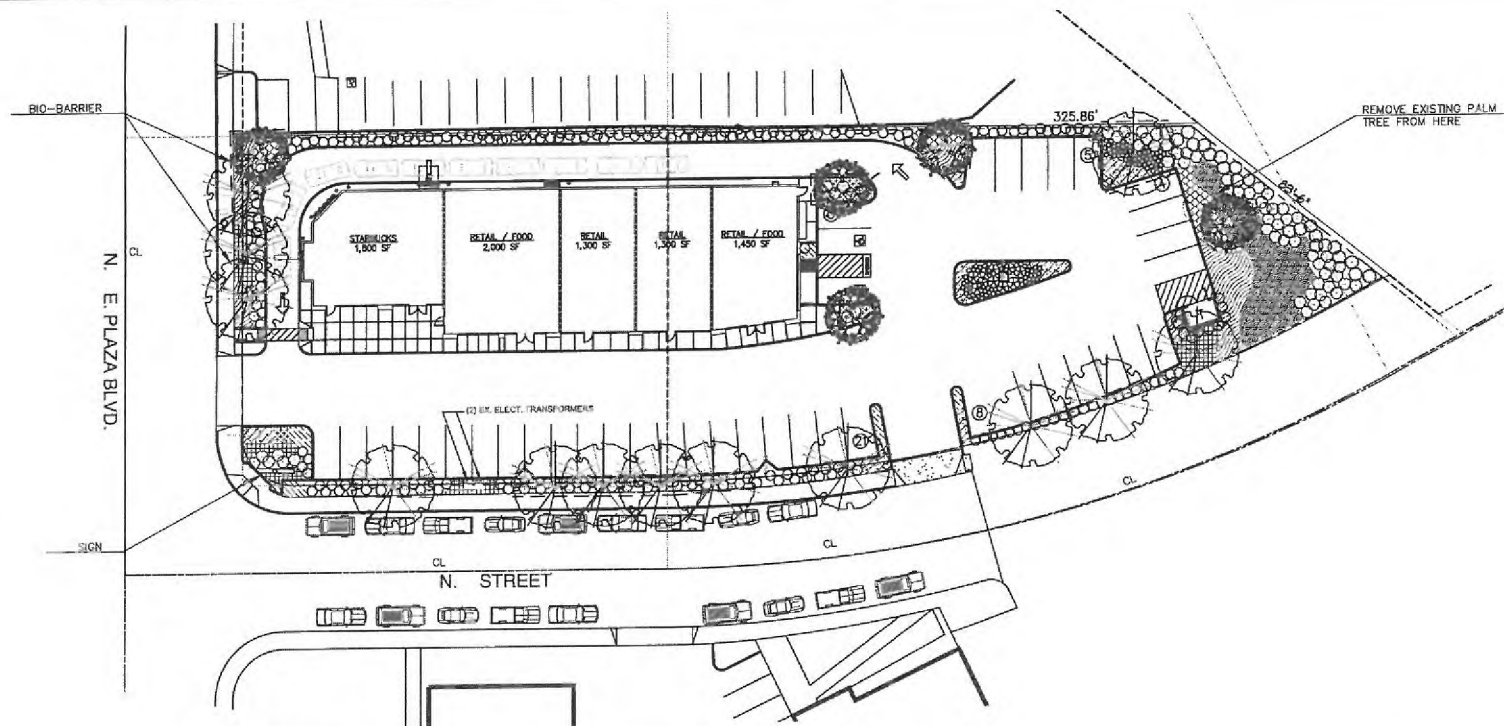
RUSSELL STOUT & ASSOCIATES, INC.

ARCHITECTURE & PLANNING























SHOPPING CENTER DEVELOPMENT
1325 EAST PLAZA BLVD.
NATIONAL CITY, CA 91950

PROPOSED
ELEVATIONS
& NOTES

DATE: 08-25-15
SCALE: AS SHOWN
DRAWN: RVP
CHK: MLL
APP: [Signature]
REV: A-4.0



PLANT SCHEDULE

TREE	BOTANICAL NAME	COMMON NAME	SIZE	SEEDING CODE	BOTANICAL NAME	COMMON NAME	CONT.	SEEDING
	CRISTATE TREE TO BE REMOVED	CRISTATE TRUMP	1		CALYNDIVA CRETACULUS	PAUL CALYNDIVA	1 GAL	30" o.d.
	PARAFONIA X. DUBERT MUSEUM	DUBERT MUSEUM PAUL MUSEUM	24" DBH		EPIDENDY CARINULATUS "SANTA BARBARA DUB"	SANTA BARBARA DUB	1 GAL	24" o.d.
	PROSOPIS X. THOMAS MUSEUM	THOMAS MUSEUM THOMAS MUSEUM	24" DBH		PERCULACARIA AFRA "PROSOPIS MUSEUM"	GROUNDINGULUS ELEPHANT MUSEUM	1 GAL	42" o.d.
	BOTANICAL NAME	COMMON NAME	SIZE		SEEDING NAME	SEEDING	CONT.	SEEDING
	CRISTATE TREE TO BE REMOVED	CALYNDIVA CRETACULUS	2 GAL		SEEDING NAME	SEEDING	CONT.	SEEDING
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					
	CRISTATE TREE TO BE REMOVED	CRISTATE TREE TO BE REMOVED	1 GAL					

MAINTENANCE RESPONSIBILITY NOTE:

THE PROPERTY OWNERS ARE RESPONSIBLE FOR THE CONTINUAL MAINTENANCE OF ALL LANDSCAPED AREAS ON SITE AND WITHIN THE ADJACENT RIGHTS-OF-WAY. ALL LANDSCAPED AREAS SHALL BE KEPT FREE OF WEEDS AND DEBRIS. PLANTINGS SHALL BE MAINTAINED IN A HEALTHY, VIGOROUSLY GROWING CONDITION, AND SHALL RECEIVE REGULAR PRUNING, FERTILIZING, MOWING AND TRIMMING. IRRIGATION SYSTEMS SHALL BE REGULARLY INSPECTED AND KEPT IN FULLY OPERATIONAL CONDITION ACCORDING TO MANUFACTURERS' DESIGN STANDARDS AT ALL TIMES.

ROOT BARRIER NOTE:

ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, LANDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL ENCIRCLE THE ROOT BALL.

Underground Service Alert
Call: TOLL FREE
1-800
227-2600

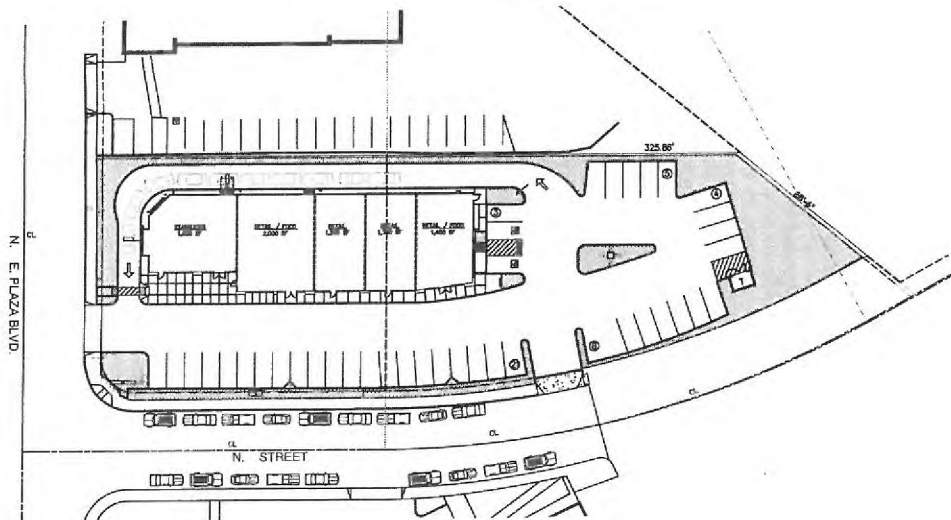


TWO WORKING DAYS BEFORE YOU DO
"CAUTION": Remember that the USA Center notifies only those airlines belonging to the carrier. There can be other airlines present at the work area. The carrier will inform you of whom they will notify.



SCALE: 1"=20'-0"

SCALE: 1"=20'-0"



HYDROZONE MAP SCALE 1"=30'



HYDROZONE 1
TOTAL = 7,461 SF (100% OF LANDSCAPED AREA)

AVERAGE ANNUAL ETO = 45.73

DATA SOURCE: CALIFORNIA IRRIGATION MANAGEMENT
INFORMATION SYSTEMS FOR SAN DIEGO II STATION

WATER USE CALCULATIONS

THIS CALCULATION ASSUMES THAT HYDROZONE 1 CONSISTS OF LOW WATER USE PLANTS WITH A PLANT FACTOR (PF) OF 0.2 AND UTILIZES A DRIP SYSTEM WITH AN IRRIGATION EFFICIENCY (IE) OF 0.9 (90%). THERE ARE NO SPECIAL LANDSCAPE AREAS (SLA).

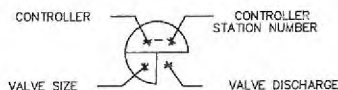
HYDROZONE	PLANT WATER USE TYPE	PLANT FACTOR	IRRIGATION METHOD	IRRIGATION EFFICIENCY	AREA	PERCENT OF TOTAL LA
1	1/8"	0.2	DRIP	0.9	7,461	100%

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

$$\begin{aligned} \text{MAWA} &= (E_{\text{eff}}) (0.62) [(0.55 \times \text{LA} + 0.3 \times \text{SLA})] \\ \text{MAWA} &= (45.73) (0.62) [(0.55 \times 7,461) + (0.3 \times 0)] \\ \text{MAWA} &= 117,560.6 \text{ gal / yr} \end{aligned}$$

IRRIGATION NOTES:

- CONTRACTOR SHALL VERIFY STATIC WATER PRESSURE AT POINT OF CONNECTION PRIOR TO INSTALLING IRRIGATION SYSTEM. SHOULD STATIC WATER PRESSURE BE LESS THAN 65 PSI, CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR INSTRUCTIONS PRIOR TO PROCEEDING WITH INSTALLATION.
- CONTRACTOR SHALL VERIFY LOCATIONS OF AUTOMATIC CONTROLLERS EXISTING MAINS, LATERALS, SLEEVES AND CONTROL WIRING SUBOUTS PRIOR TO CONSTRUCTION.
- MAINLINE AND EQUIPMENT ARE SHOWN DIAGRAMMATICALLY.
- CONTRACTOR SHALL SAVE EXISTING IRRIGATION LATERAL LINES WHERE APPROPRIATE, AND SHALL PRESERVE THESE LINES PER THE SPECIFICATIONS.
- REMOTE CONTROL VALVES SHALL BE LOCATED IN NON TURF AREAS UNLESS NOTED OTHERWISE.
- VALVE CALL OUT:



INSTALLATION NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL BE DEVELOPED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE CITY OF SAN DIEGO.
- IF ANY HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED OR REPLACED IN KIND WITH EQUIVALENT SIZE PER THE APPROVED PLANS.
- TREES AND SHRUBS SHALL BE LOCATED AND MAINTAINED TO PRESERVE A CLEAR ZONE OF AT LEAST TEN FEET FROM FIRE HYDRANTS, OVERHEAD UTILITY WIRES, STREET LIGHT LUMINAIRES AND ABOVE GROUND UTILITY STRUCTURES SUCH AS TRANSFORMER ENCLOSURES.
- TREES SHALL BE PLANTED AT LEAST FIVE FEET FROM ANY UNDERGROUND UTILITY SUCH AS SEWER, GAS, ELECTRIC AND TELEPHONE. RIPARIAN TREE SPECIES SHALL BE PLANTED AT LEAST 30 FEET FROM CITY SEWER, WATER AND DRAINAGES.
- PROVIDE ROOT BARRIERS FOR TEN FEET TO BOTH SIDES OF ALL STREET TREES WITH IN FIVE FEET OF ANY HARDSCAPE PAVING.

SUBSURFACE DRIP IRRIGATION INSTALLATION GUIDELINES:

- THE TYPICAL RECOMMENDED PIPE DEPTH FOR THE DRIFLINE IS 4" BELOW FINISH GRADE.
 - TURF TURF AREAS WHERE AERIFICATION IS A PART OF NORMAL MAINTENANCE OPERATIONS, TUBING MUST BE BURIED BELOW THE REACH OF AERIFICATION EQUIPMENT.
 - USE 710 SERIES COMPRESSION FITTINGS FOR ALL DRIFLINE CONNECTIONS TO ENSURE THE INTEGRITY OF THE CONNECTION.
 - IT IS IMPERATIVE THAT DL200 DRIFLINE IS INSTALLED AT A UNIFORM DEPTH AND WITH ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
- DRIFLINE CAN BE INSTALLED USING ONE OF THE FOLLOWING METHODS:
- HAND TRENCHING OR BACKFILLING. THE ADVANTAGES TO THIS METHOD ARE: A) HANDLES SEVERE SLOPES CONFINED AREAS, B) UNIFORM DEPTH.
 - OSCILLATING OR VIBRATING PLOW (CABLE OR PIPE PULLING TYPE). ADVANTAGES TO THIS METHOD ARE: A) FAST IN SMALL TO MEDIUM INSTALLATIONS, B) MINIMAL GROUND DISTURBANCE, C) NO NEED TO BACKFILL THE TRENCH.
 - TRENCHING MACHINE. THE ADVANTAGES TO THIS METHOD ARE: A) FASTER THAN HAND TRENCHING, B) MAY USE 1" BLADE FOR MOST INSTALLATIONS, C) UNIFORM DEPTH.
 - TRACTOR-MOUNTED 3-POINT HITCH INSERTION IMPLEMENT. THE ADVANTAGES TO THIS METHOD ARE: A) FASTEST METHOD UP TO FOUR LOW ATTACHMENTS WITH REELS, B) PACKER ROLLER COMPACTS SOIL OVER PIPE.

A DRIP IRRIGATION NOTES

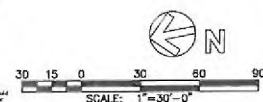
GENERAL IRRIGATION NOTES:

- ALL LOCAL MUNICIPAL AND STATE LAWS, RULES AND REGULATIONS GOVERNING OR RELATING TO ANY PORTION OF THIS WORK ARE HEREBY INCORPORATED INTO AND MADE A PART OF THESE SPECIFICATIONS AND THEIR PROVISIONS SHALL BE CARRIED OUT BY THE CONTRACTOR.
- THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES, STRUCTURES AND SERVICES BEFORE COMMENCING WORK. THE LOCATIONS OF UTILITIES, STRUCTURES AND SERVICES SHOWN IN THESE PLANS ARE APPROXIMATE ONLY. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL OBTAIN THE PERTINENT ENGINEERING OR ARCHITECTURAL PLANS BEFORE BEGINNING WORK.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS REQUIRED TO PERFORM THE WORK INDICATED HEREIN BEFORE BEGINNING WORK.
- THIS DESIGN IS DIAGRAMMATIC. ALL EQUIPMENT SHOWN IN PAVED AREAS IS FOR DESIGN CLARITY ONLY AND IS TO BE INSTALLED WITHIN PLANTING AREAS.
- THE CONTRACTOR SHALL NOT WILLFULLY INSTALL ANY EQUIPMENT AS SHOWN ON THE PLANS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN CONDITIONS EXIST THAT WERE NOT EVIDENT AT THE TIME THESE PLANS WERE PREPARED. ANY SUCH CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO ANY WORK OR THE IRRIGATION CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY FIELD CHANGES DEEMED NECESSARY BY THE OWNER.
- INSTALL ALL EQUIPMENT AS SHOWN IN THE DETAILS AND SPECIFICATIONS. CONTRACTOR SHALL BE RESPONSIBLE TO COMPLY WITH LOCAL CITY, COUNTY AND STATE REQUIREMENTS FOR BOTH EQUIPMENT AND INSTALLATION.
- ACTUAL LOCATION FOR THE INSTALLATION OF THE AUTOMATIC CONTROLLER IS TO BE DETERMINED IN THE FIELD BY THE OWNER'S AUTHORIZED REPRESENTATIVE.
- CONTRACTOR IS TO PROVIDE AN ADDITIONAL PILOT WIRE FROM CONTROLLER ALONG ENTIRETY OF MAIN LINE TO THE LAST RCV ON EACH AND EVERY LEG OF MAIN LINE. LABEL SPARE WIRES AT BOTH ENDS.
- ALL PIPE UNDER PAVED AREAS TO BE INSTALLED IN SLEEVING TWICE THE DIAMETER OF THE PIPE CARRIED, SEE LEGEND FOR TYPE. ALL WIRE UNDER PAVED AREAS TO BE INSTALLED IN A SCH. 40 SLEEVE THE SIZE REQUIRED TO EASILY PULL WIRE THROUGH. ALL SLEEVES TO BE INSTALLED WITH A MINIMUM DEPTH AS SHOWN ON THE SLEEVING DETAILS. SLEEVES TO EXTEND AT LEAST 12" PAST THE EDGE OF THE PAVING.
- ALL QUICK COUPLER AND REMOTE CONTROL VALVES TO BE INSTALLED IN SHRUB OR GROUND COVER AREAS. WHERE POSSIBLE, ALL QUICK COUPLER AND REMOTE CONTROL VALVES TO BE INSTALLED AS SHOWN ON THE INSTALLATION DETAILS. INSTALL ALL QUICK COUPLER AND REMOTE CONTROL VALVES WITHIN 18" OF HARDSCAPE.
- THE CONTRACTOR SHALL USE PROPER GROUNDING TECHNIQUES FOR GROUNDING THE CONTROLLER AND RELATED EQUIPMENT PER MANUFACTURER'S SPECIFICATIONS. SWEENEY AND ASSOCIATES RECOMMENDS MEASURING FOR PROPER GROUND AT LEAST ONCE ANNUALLY, AND NECESSARY ADJUSTMENTS MADE TO COMPLY WITH MANUFACTURER SPECIFICATIONS.

ROOT BARRIER NOTE:

ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, LANDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL EXCEED THE ROOT BARRIER.

Underground Service Alert
Call: TOLL FREE
1-800-227-2600



JAMES P. BENEDETTI
LANDSCAPE ARCHITECT
1325 E PLAZA BLVD
SAN DIEGO, CA 92108
619-597-0644 FAX 619-597-0645



1325 E PLAZA BLVD
NATIONAL CITY, CA 91960
APN 557-250-4100 & 557-250-4000

REVISIONS

1st SUBMITTAL	3/3/15
2nd SUBMITTAL	10/9/15

Phase:

Date: 9/3/15
Reviewed by: JPB
Checked: KCK
Job No.: 2015-38

Sheet Title:
Concept Water Use Calculations

Sheet:
LC-2
Of 2 Sheets

The following page(s) contain the backup material for Agenda Item: Temporary Use Permit - Community Ice Skating Rink sponsored by the National City Chamber of Commerce at Morgan Square from December 10, 2015 to December 11, 2015 with no waiver of fees. (Neighborhood Services)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. |

ITEM TITLE:

Temporary Use Permit – Community Ice Skating Rink hosted by the National City Chamber of Commerce at Morgan Square from December 10, 2015 thru December 11, 2015 with no waiver of fees.

PREPARED BY: Dionisia Trejo |

PHONE: (619) 336-4255 |

DEPARTMENT: Neighborhood Services Department

APPROVED BY: 

EXPLANATION:

This is a request from the National City Chamber of Commerce to host the Community Ice Skating Rink at Morgan Square from December 10, 2015 thru December 11, 2015. The skating rink will be used in conjunction with the 8th Annual Christmas at brick row on December 10, 2015. Daily hours will be from 5 p.m. to 10 p.m. The ice skating rink will be located inside Morgan Square.

Alternative Power Productions will provide security during and after operating hours of the ice rink.

FINANCIAL STATEMENT:

ACCOUNT NO. |

The City has incurred \$237.00 for processing the TUP.
Total fees are \$237.00 |

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A |

ORDINANCE: INTRODUCTION: ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

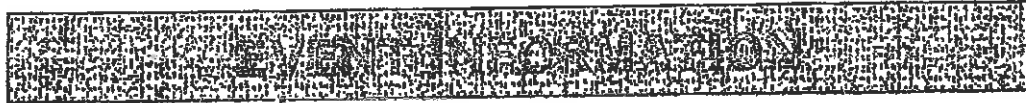
Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees. |

BOARD / COMMISSION RECOMMENDATION:

|

ATTACHMENTS:

Application for a Temporary Use Permit with recommended approvals and conditions of approval. |



Type of Event:

☐ Public Concert ☐ Fair ☐ Festival
☐ Parade ☐ Demonstration ☐ Circus
☐ Motion Picture ☐ Grand Opening ☐ Other

☒ Community event
☒ Block Party (part of tree lighting ceremony)

Event Title: Community Ice skating Rink

Event Location: Inside Morgan Square (B)

Event Date(s): From 12/10/15 to 12/11/15

Actual Event Hours: 5:00 am/pm to 10:00 am/pm

Total Anticipated Attendance: 100 Participants Spectators

Setup/assembly/construction Date: 12/9/15 Start time: 5pm

Please describe the scope of your setup/assembly work (specific details):

12/9/15 - is assembly of skating rink

12/10/15 - official use of rink

12/11/15 - use and breakdown

Dismantle Date: 12/11/15 Completion Time: 11:00 am/pm (approximately)

List any street(s) requiring closure as a result of this event. Include street name(s), day and time of closing and day and time of reopening.

Entrance on the east side of Union Bank (map attached with "X" as a possible closure)

A/B/C possible location
Union Bank Morgan Square 9th St.



Sponsoring Organization: National City Chamber of Commerce

Chief Officer of Organization (Name): Jacqueline L. Reynoso

Applicant (Name):

Address: 901 National City Blvd.

Daytime Phone: (619) 477-9339 Evening Phone: (619) 890-6614

Fax: (619) 477-5018 E-Mail: reynoso@nationalcitychamber.org

Contact Person "on site" day of the event: Jacqueline Reynoso Cellular: (619) 890-6614

NOTE: THIS PERSON MUST BE IN ATTENDANCE FOR THE DURATION OF THE EVENT AND IMMEDIATELY AVAILABLE TO CITY OFFICIALS

FINANCIAL INFORMATION

Is your organization a "Tax Exempt, nonprofit" organization? ☒ YES ☐ NO

Are admission, entry, vendor or participant fees required? ☐ YES ☒ NO

If YES, please explain the purpose and provide amount(s):

\$ _____ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ _____ Estimated Expenses for this event.

\$ _____ What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

OVERALL EVENT DESCRIPTION
ROUTE MAP/SITE DIAGRAM/SANITATION

Please provide a DETAILED DESCRIPTION of your event. Include details regarding any components of your event such as the use of vehicles, animals, rides or any other pertinent information about the event.

The Community Ice Skating Rink will be placed inside Morgan Square. The skating rink will be used in conjunction with the Tree Lighting Ceremony for the City of National City taking place on Thursday, December 10th, 2015.

☐ YES ☒ NO If the event involves the sale of cars, will the cars come exclusively from National City car dealers?
If NO, list any additional dealers involved in the sale:

OVERALL EVENT INFORMATION

☐ YES ☒ NO Does the event involve the sale or use of alcoholic beverages?

☐ YES ☒ NO Will items or services be sold at the event? if yes, please describe:

☐ YES ☒ NO Does the event involve a moving route of any kind along streets, sidewalks or highways? If YES, attach a detailed map of your proposed route indicate the direction of travel, and provide a written narrative to explain your route.

☒ YES ☐ NO Does the event involve a fixed venue site? If YES, attach a detailed site map showing all streets impacted by the event. (attached)

☐ YES ☒ NO Does the event involve the use of tents or canopies? If YES: Number of tent/canopies _____ Sizes _____ NOTE: A separate Fire Department permit is required for tents or canopies.

☐ YES ☒ NO Will the event involve the use of the City or your stage or PA system? SPECIFY: _____

In addition to the route map required above, please attach a diagram showing the overall layout and set-up locations for the following items:

☐ Alcoholic and Nonalcoholic Concession and/or Beer Garden areas.
☐ Food Concession and/or Food Preparation areas Please describe how food will be served at the event: _____
 If you intend to cook food in the event area please specify the method:
☐ GAS ☐ ELECTRIC ☐ CHARCOAL ☐ OTHER (Specify): _____

☐ Portable and/or Permanent Toilet Facilities
 Number of portable toilets: _____ (1 for every 250 people is required, unless the applicant can show that there are facilities in the immediate area available to the public during the event)

☐ Tables # _____ and Chairs # _____

☒ Fencing, barriers and/or barricades *Fully Fenced*

☒ Generator locations and/or source of electricity *(provided by 3rd party, A Henchie Power Productions)*

☐ Canopies or tent locations (Include tent/canopy dimensions)

☐ Booths, exhibits, displays or enclosures

☐ Scaffolding, bleachers, platforms, stages, grandstands or related structures

☐ Vehicles and/or trailers

☐ Other related event components not covered above

☐ Trash containers and dumpsters

(Note: You must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition.) Number of trash cans: _____ Trash containers with lids: _____

Describe your plan for clean-up and removal of waste and garbage during and after the event:

SAFETY/SECURITY/EMERGENCY

Please describe your procedures for both Crowd Control and Internal Security:

Third Party will provide (Alternative Power Productions)

☒ YES ☐ NO Have you hired any Professional Security organization to handle security arrangements for this event? If YES, please list:

Security Organization: _____

Security Organization Address: _____

Security Director (Name): _____ Phone: _____

☒ YES ☐ NO Is this a night event? If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators:

Please indicate what arrangement you have made for providing First Aid Staffing and Equipment.

Third Party will provide (Alternative Power Productions)

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

PARKING PLAN/MITIGATION OF IMPACT

Please provide a detailed description of your PARKING plan:

Community members who attend the ice skating will be able to park in the surrounding streets

Please describe your plan for DISABLED PARKING:

Union Bank atm driveway will be marked and used as ADA parking.

Please describe your plans to notify all residents, businesses and churches impacted by the event:

Union Bank has been advised of the use of his parking spaces

NOTE: Neighborhood residents must be notified 72 hours in advance when events are scheduled in the City parks.

ENTERTAINMENT / ACTS / BANDS AND
RELATED EVENT ACTIVITIES

☐ YES ☒ NO Are there any musical entertainment features related to your event? If YES,
please state the number of stages, number of bands and type of music. Number
of Stages: _____ Number of Bands: _____

Type of Music: _____

☐ YES ☒ NO Will sound amplification be used? If YES, please indicate: Start time:
_____ am/pm Finish Time _____ am/pm

☐ YES ☒ NO Will sound checks be conducted prior to the event? If YES, please indicate: Start
time: _____ am/pm Finish Time _____ am/pm

Please describe the sound equipment that will be used for your event:

☐ YES ☒ NO Fireworks, rockets, or other pyrotechnics? If YES, please describe:

☒ YES ☐ NO Any signs, banners, decorations, special lighting? If YES, please describe:

Lighting, sound and signage will be
provided by third party Alternative Power
Productions

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT


Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit.

Organization National City Chamber of Commerce
Person in Charge of Activity Jacqueline L. Reppasso
Address 901 National City Blvd., National City 91950
Telephone (619) 477-9339 Date(s) of Use _____

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorneys fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant Official Title Date

 , President / CEO, 11/19/15

For Office Use Only

Certificate of Insurance Approved _____ Date _____

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/24/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Reiff and Associates, LLC CA Lic#0G55457 212-603-0231 320 West 57th Street New York, NY 10019	CONTACT NAME: Skylar Wilman-Saylor PHONE (A/C, No, Ext): 212 603-0231 FAX (A/C, No): 973 313 0872 E-MAIL ADDRESS: WilmanS@reiffinsurance.com INSURER(S) AFFORDING COVERAGE INSURER A: New York Marine & General Insur INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Alternative Power Productions, LLC 3101 Hoover Ave. Suite B National City, Ca 91950	NAIC #

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	X		PK201400000490	12/01/2014	12/01/2015	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$1,000,000 PRODUCTS - COMP/OP AGG \$1,000,000 AGGREGATE \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> comp: \$1,000 <input checked="" type="checkbox"/> coll: \$1,000	X		AU201400000389 Physical Damage Limit: ACV Ded: \$1,000	12/01/2014	12/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AGGREGATE \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	X		UM201400000628	12/01/2014	12/01/2015	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC201400000572	12/01/2014	12/01/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Misc. Equipment			PK201400000490	12/01/2014	12/01/2015	\$297,150; Ded: \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
City of National City and the Parking Authority and its officials, agents and employees are named as additional insured as respects to liability coverage.

CERTIFICATE HOLDER

CANCELLATION

City of National City
1243 National City Blvd.
National City, CA 91950

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Ross Miller

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Overview:

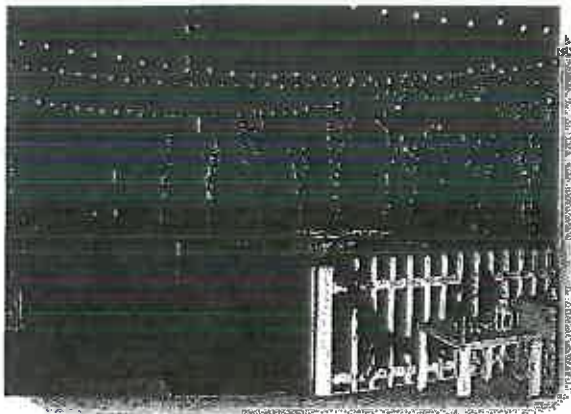
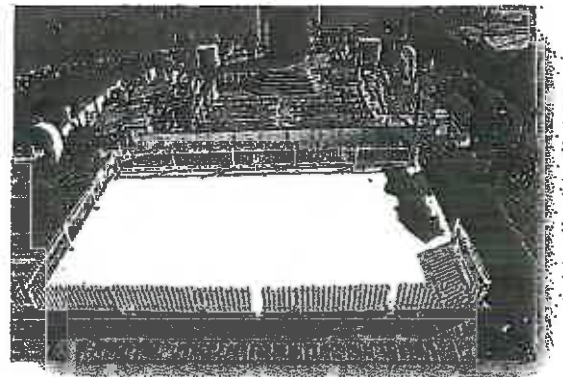
Let Alternative Power Productions make your next holiday event into an ice-skating party experience! Our skating rink is built with Super-Glide®, a synthetic ice skating surface composed of a proprietary blend of polymers, that permits a traditional skate blade to glide as smoothly as on real ice! The 24' x 56' rink is set up in one day on any reasonable flat surface including gyms, playing fields, parking lots, backyards and beyond. Rentals are a two-day minimum with options to extend rental at a significantly discounted rate.



Skates are included in rental meaning in addition to being able to charge for "rink time," you also have the ability to charge for skate rentals to offset the entire cost of the rink rental!

Rink Specifications:

- 24' x 56' skating surface
- 36 pairs of metal blade hockey skates
- Perimeter fencing
- Changing area with seating and rubber mats
- Lights for changing area



Additional Options:

- LED and moving lights for the rink
- Sound System with ipod / DJ connection
- Stage for DJ / Bands

**CITY OF NATIONAL CITY
NEIGHBORHOOD SERVICES DIVISION
APPLICATION FOR A TEMPORARY USE PERMIT
RECOMMENDATIONS AND CONDITIONS**

SPONSORING ORGANIZATION: National City Chamber of Commerce
EVENT: Community Ice Skating Rink
DATE OF EVENT: **December 10, 2015 to December 11, 2015**
TIME OF EVENT: 5 p.m. to 10 p.m.

APPROVALS:

DEVELOPMENT SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS [x]
FINANCE	YES [x]	NO []	SEE CONDITIONS [x]
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
CITY ATTORNEY	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

DEVELOPMENT SERVICES (619) 336-4318

PLANNING:

Sound system/speakers shall face away from residential areas. All activities shall comply with Title 12 (Noise) of the Muni Code.

RISK MANAGER (619) 336-4370

- Provide a valid copy of the insurance certificate wherein the City of National City is a named insured.
- That the insurance policy provide a hold harmless and indemnification agreement which must have a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) that would cover the date of the event.
- That the insurance company issuing the insurance policy have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not then insurance policy must be submitted to the Risk Management Department for review and approval prior to the issuance of the Temporary Use Permit.
- Provide an Additional Insured endorsement naming the City of National City, its officials, agents and employees as an additional insured.
- Name, address and contact information for the broker providing this insurance policy.

COMMUNITY SERVICES (619) 336-4290

This will be incorporated into Christmas on Brick Row and will be a nice activity to offer attendees. The Community Services Division cannot assist with set up, clean up or the operation of the ice rink.

PUBLIC WORKS (619)366-4580

STREET:

Street will be posted with "No Parking" signs for Christmas at Brick Row event.

FIRE (619) 336-4550



AN INSPECTION SHALL BE DONE
PRIOR TO START OF EVENT

Stipulations required by the Fire Department for this event are as follows:

- 1) Access to Morgan Square and Brick Row to be maintained at all times.
- 2) Fire Department access into and through the festival areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- 3) Access shall be maintained to all Fire Hydrants, Fire Department Connections for Fire Sprinkler Systems, Standpipes, etc.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only.
- 7) Internal combustion power sources (generator) shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least 20 feet away from tents or canopies.

- 8) If tents or canopies are used, tents having an area in excess of 200 square feet and or canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. A ten feet separation distance must be maintained between tents and canopies. A permit from the Fire Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet "State Fire Marshal approval for cooking."***

Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$250.00
501 – 600 sf -	\$300.00
601 – 700 sf -	\$400.00

Tents:

0 – 200 sf -	\$200.00
201 – (+) sf -	\$400.00

- 9) If concession stands are utilized for cooking, they shall have a minimum of 10 feet of clearance on two sides.
- 10) All cooking booths or areas to have one 2A:10BC fire extinguisher. If grease or oil is used in cooking a 40:BC or class "K" fire extinguisher will be required. All fire extinguishers to have a current State Fire Marshal Tag attached. Please see attached example.
- 11) **The Skating Rink Occupancy Load is 27 people. It shall be posted in a visible location.**
- 12) A fire safety inspection is to be conducted by the Fire Department prior to operations of the event to include the National City Tree Lighting area.

POLICE

The Community Ice Skating Rink TUP event will suffice with extra patrol from time to time by the on duty police officers.

CITY ATTORNEY

Requires an indemnification and hold harmless agreement by applicant and vendor (if located on City property), and a policy of general liability insurance from both applicant and vendor (if located on City property), with the City and its officials, employees, agents and volunteers as additional insureds, with amounts of coverage to be determined by the Risk Manager.

The following page(s) contain the backup material for Agenda Item: Temporary Use Permit - 6th Annual Mabuhay Festival at Kimball Park on June 11, 2016 from 10 a.m. to 4 p.m. with no waiver of fees. (Neighborhood Services)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. |

ITEM TITLE:

Temporary Use Permit — 6th Annual Mabuhay Festival at Kimball Park on June 11, 2016 from 10 a.m. to 4 p.m. with no waiver of fees.

PREPARED BY: | Dionisia Trejo |

PHONE: | (619) 336-4255 |

DEPARTMENT: Neighborhood Services Department

APPROVED BY:  |

EXPLANATION:

This is a request from the Mabuhay Foundation to conduct the 6th Annual Mabuhay Festival at Kimball Park on June 11, 2016 from 10 a.m. to 4 p.m. Setup for this event will commence on June 10, 2016 at 3 p.m. and dismantling on June 11, 2016 by 6 p.m.

This festival promotes pride in the Filipino cultural heritage and honoring the 118th Anniversary of Philippine Independence. This event will include participation from various groups representing businesses, civic organizations, local government, educational institutions, public agencies and nonprofit organizations showcasing Philippine arts and crafts, talents and trade. Security will be provided by event staff and volunteers. Event organizers will also provide their own stage and audio equipment for this event.

Note: This organization event was approved in 2014 & 2015 by council with no waiver of fees.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

The City has incurred \$237.00 for processing the TUP through various City departments, \$200.00 for Fire Department fees and \$973.04 for Public Works.
Total fees are \$1,410.04

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees. Staff does not recommend the use of air-jumpers for this event. |

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Application for a Temporary Use Permit with recommended approvals and conditions of approval. |

RECEIVED

NOV 04 2015

Neighborhood Services Department
City of National City

EVENT INFORMATION

Type of Event:

☐ Public Concert
☐ Parade
☐ Motion Picture

☐ Fair
☐ Demonstration
☐ Grand Opening

☒ Festival
☐ Circus
☐ Other _____

☒ Community event
☐ Block Party

Event Title: Mabuhay Festival 2016

Event Location: Kimbal Park

Event Date(s): From 06/11/16 to 06/11/16

Actual Event Hours: 10:00 AM to 4:00 PM

Total Anticipated Attendance: 500 (100 Participants 350 Spectators)

Setup/assembly/construction Date: 06/10 Start time: 3:00 PM

Please describe the scope of your setup/assembly work (specific details): _____
assemble staging - set up canopies - audio - etc.

Dismantle Date: 6/11/16 Completion Time: 6:00 PM

List any street(s) requiring closure as a result of this event. Include street name(s), day and time of closing and day and time of reopening.

NONE.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

Sponsoring Organization: Mabuhay Festival 2016

Chief Officer of Organization (Name) Ditas Yamane

Applicant (Name): Mabuhay Festival 2016

Address: 140 W. 16th Street National City, CA 91950

Daytime Phone: 619-474-5300 Evening Phone: 619-474-5300

Fax: 619-474-6888 E-Mail: mabuhayfest@cox.net

Contact Person "on site" day of the event: Ditas Yamane Cellular: 619-921-5125

NOTE: THIS PERSON MUST BE IN ATTENDANCE FOR THE DURATION OF THE EVENT AND IMMEDIATELY AVAILABLE TO CITY OFFICIALS

FEES/PROCEEDS/REPORTING

Is your organization a "Tax Exempt, nonprofit" organization? ☒ YES ☐ NO

Are admission, entry, vendor or participant fees required? ☒ YES ☐ NO

If YES, please explain the purpose and provide amount(s): Admission - FREE

Vendor/Exhibitor Fee to cover cost of the event.

\$ 10,000 Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 9,500 Estimated Expenses for this event.

\$ 500 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

OVERALL EVENT DESCRIPTION ROUTE MAP/SITE DIAGRAM/SANITATION

Please provide a **DETAILED DESCRIPTION** of your event. Include details regarding any components of your event such as the use of vehicles, animals, rides or any other pertinent information about the event.

Mabuhay Festival celebrates culture, diversity, and fosters sense of community. To honor the 118th Anniversary of the Philippine Independence. Features various groups i.e. businesses, civic org., local govt., educational institutions, & nonprofits showcasing arts & crafts, local talents, & trade.

☐ YES ☒ NO If the event involves the sale of cars, will the cars come exclusively from National City car dealers?
If NO, list any additional dealers involved in the sale: NO.

☐ YES ☒ NO Does the event involve the sale or use of alcoholic beverages?

☐ YES ☒ NO Will items or services be sold at the event? If yes, please describe:

Kids Corner - Inflatable World to provide kids 12 and under with slides and jumpers.

OVERALL EVENT DESCRIPTION CONTINUED

☐ YES ☒ NO Does the event involve a moving route of any kind along streets, sidewalks or highways? If YES, attach a detailed map of your proposed route indicate the direction of travel, and provide a written narrative to explain your route.

☒ YES ☐ NO Does the event involve a fixed venue site? If YES, attach a detailed site map showing all streets impacted by the event.

☒ YES ☐ NO Does the event involve the use of tents or canopies? If YES: Number of tent/canopies 75 Sizes 10x10
NOTE: A separate Fire Department permit is required for tents or canopies.

☐ YES ☒ NO Will the event involve the use of the City or your stage or PA system?
SPECIFY: _____

In addition to the route map required above, please attach a diagram showing the overall layout and set-up locations for the following items:

☐ Alcoholic and Nonalcoholic Concession and/or Beer Garden areas.
☒ Food Concession and/or Food Preparation areas. Please describe how food will be served at the event: courtesy of the food vendors
If you intend to cook food in the event area please specify the method:
☒ GAS ☒ ELECTRIC ☐ CHARCOAL ☐ OTHER (Specify): _____

☒ Portable and/or Permanent Toilet Facilities
Number of portable toilets: 25/1H (1 for every 250 people is required, unless the applicant can show that there are facilities in the immediate area available to the public during the event)

☒ Tables # 75 and Chairs # 250
☒ Fencing, barriers and/or barricades
☒ Generator locations and/or source of electricity
☒ Canopies or tent locations (include tent/canopy dimensions)
☒ Booths, exhibits, displays or enclosures
☒ Scaffolding, bleachers, platforms, stages, grandstands or related structures
☐ Vehicles and/or trailers
☒ Other related event components not covered above
Trash containers and dumpsters

(Note: You must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition.) Number of trash cans: 24 Trash containers with lids: 4

Describe your plan for clean-up and removal of waste and garbage during and after the event.
Clean up after the event - removal of waste and garbage during and after the event by volunteers and event custodians.

SAFETY/SECURITY/ACCESSIBILITY

Please describe your procedures for both Crowd Control and Internal Security:
Event Security Volunteers to provide for crowd control and internal security.

☐ YES ☒ NO Have you hired any Professional Security organization to handle security arrangements for this event? If YES, please list:

Security Organization: Volunteer Security with Guard Cards.

Security Organization Address: _____

Security Director (Name): _____ Phone: _____

☐ YES ☒ NO Is this a night event? If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators:

Daytime Event.

Please indicate what arrangement you have made for providing First Aid Staffing and Equipment.

Paradise Valley Hospital and the Philippine Nurses Association will be providing First Aid & Equipment.

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

The venue is ADA compliance for access by individuals with disabilities.

PARKING PLAN/MITIGATION OF IMPACT

Please provide a detailed description of your PARKING plan:

The venue has ample parking plan during the event.

Please describe your plan for DISABLED PARKING:

The venue parking provides for disabled parking.

Please describe your plans to notify all residents, businesses and churches impacted by the event:

Flyering, poster, newspapers, and social media networking and advertising.

NOTE: Neighborhood residents must be notified 72 hours in advance when events are scheduled in the City parks.

ENTERTAINMENT/ATTRACTIONS AND RELATED EVENT ACTIVITIES

☒ YES ☐ NO Are there any musical entertainment features related to your event? If YES, please state the number of stages, number of bands and type of music. Number of Stages: 1 Number of Bands: 1
Type of Music: family oriented.

☒ YES ☐ NO Will sound amplification be used? If YES, please indicate:

Start time: 9:00 AM Finish Time 5:00 PM

☒ YES ☐ NO Will sound checks be conducted prior to the event? If YES, please indicate:

Start time: 8:30 AM Finish Time 9:00 AM

Please describe the sound equipment that will be used for your event:

DJ

☐ YES ☒ NO Fireworks, rockets, or other pyrotechnics? If YES, please describe:

None.

☒ YES ☐ NO Any signs, banners, decorations, special lighting? If YES, please describe:

Banners ; Balloons; Posters

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit.

Organization Mabuhay Festival 2016

Person in Charge of Activity Ditas Yamane

Address 140 W 16th Street National City, CA 91950

Telephone (619) 474-5300 Date(s) of Use 06/11/2016

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.


Signature of Applicant Official Title Date

For Office Use Only

Certificate of Insurance Approved _____ Date _____

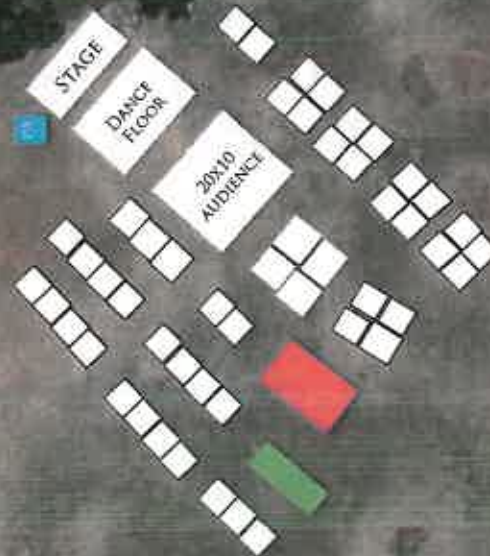
This event will foster a sense of community and promote pride in the Filipino cultural heritage; build collaboration and cultural understanding among the Filipino Americans - young and old alike; and promote empowerment in the community of exponential wealth of diverse strengths and backgrounds!

The Filipino Americans of San Diego County will honor the 118th Philippine Independence - and as you all know - the Filipino Americans is the largest ethnic group in our city which doubles during the day - the program will include participation from various groups representing businesses, civic organizations, local government, educational institutions, public agencies, and nonprofit organizations showcasing culture, language, arts and crafts, local talents, and trade.

This has been a tradition of our community celebrating the annual commemoration of the Philippine Independence. FREE to our Community!

Footprint (Tentative Map)

Mabuhay Festival - Celebrating Language & Culture
Honoring the 118th Anniversary
of the Philippine Independence
Kimball Park in National City, California
Saturday, June 11, 2016 @ 10am - 4pm



Portables
W - Wash Sink
FB - Food Booth
PA - Public Address
DK - Dressing Room

6th Annual Filipino American
Community Event



Honoring Philippine Independence!!
Celebrating Culture & Diversity
SATURDAY, JUNE 11, 2016 • 10:00AM - 4:00PM
KIMBALL PARK • NATIONAL CITY, CALIFORNIA
For more info: mabuhayfestival.org • www.uscymabuhay.org

For more information, please call:
Dina Yarnane @ (619) 474-5300

**6th Annual Filipino American
Community Event**



Mabuhay Festival

Honoring Philippine Independence!!!

Celebrating Culture & Diversity

**SATURDAY, JUNE 11, 2016 • 10:00AM - 4:00PM
KIMBALL PARK * NATIONAL CITY, CALIFORNIA**

619.474.5300 * mabuhayfest@cox.net * www.wesaymabuhay.org

Mabuhay!

The Mabuhay Festival event fosters a sense of community and promote pride in the Filipino cultural heritage; build collaboration and cultural understanding among the filipinos and the filipino americans – young and old alike; promote empowerment in the community of diverse strengths and backgrounds!

Filipino Americans representing the largest Asian group in San Diego County honors the 118th Philippine Independence Day!!!

The Mabuhay Festival 2016 program includes participation from various groups representing businesses, civic organizations, local government, educational institutions, public agencies, and nonprofit organizations showcasing arts and crafts, local talents, and trade.

Mabuhay Festival 2016 event features the following :

- Mabuhay Scholarship
- Miss Mabuhay Philippines
- Mabuhay Singing Contest
- Salute to Filipino Americans in the US Military Services

- Our Bayani (Hero) Honoree
- Fil-Am Business of the Year
- Visitation with Our Lady of the Rosary of Manaoag
- Santacruzian Flores de Mayo
- and lots of fun, prizes & surprises!!!

This has been a tradition of our community in celebrating the annual commemoration of the Philippine Independence day!

FREE TO THE GENERAL PUBLIC !!!

Thank you for your continued support! Maraming Salamat Po !

**For more information about event participation, sponsorship,
vendor - exhibitor opportunities, please call or text message:**

Ditas Yamane @ 619-981-8800

email: mabuhayfest@cox.net • www.wesaymabuhay.org

**CITY OF NATIONAL CITY
NEIGHBORHOOD SERVICES DEPARTMENT
APPLICATION FOR A TEMPORARY USE PERMIT
RECOMMENDED APPROVALS AND CONDITIONS OF APPROVAL**

SPONSORING ORGANIZATION: Mabuhay Festival
EVENT: Mabuhay Festival 2016
DATE OF EVENT: June 11, 2016
TIME OF EVENT: 10am to 4pm

APPROVALS:

DEVELOPMENT SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS []
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
NEIGHBORHOOD SERVICES	YES [x]	NO []	SEE CONDITIONS []
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS [x]
FINANCE	YES [x]	NO []	SEE CONDITIONS [x]
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
CITY ATTORNEY	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

DEVELOPMENT SERVICES (619) 336-4318

Planning:

All activities shall comply with Title 12 (Noise) of the National City Municipal Code, including noise limits as contained in Table III of NCMC §12.06.040.

RISK MANAGER (619) 336-4370

I would recommend that as a condition of the issuance of the permit that the following documents be provided:

- Provide a valid copy of the insurance certificate wherein the City of National City is a named insured.
- That the insurance policy provide a hold harmless and indemnification agreement which must have a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) that would cover the date of the event.
- That the insurance company issuing the insurance policy have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not then insurance policy must be submitted to the Risk Management Department for review and approval prior to the issuance of the Temporary Use Permit.
- Provide an Additional Insured endorsement naming the City of National City, its officials, agents and employees as an additional insured.
- Name, address and contact information for the broker providing this insurance policy.

CITY ATTORNEY

Requires an indemnification and hold harmless agreement, and a policy of general liability insurance, with the City and its officials, employees, agents and volunteers as additional insureds, with amounts of coverage to be determined by the Risk Manager.

FINANCE

All vendors must have business license and all food vendors must have Health Permit.

I need a list of the vendors at least 2 weeks prior to the event.

PUBLIC WORKS (619)366-4580

Parks Division

1. Three hours for set up on Friday June 10th to mark off the valve boxes and irrigation at overtime pay @ \$46.58 (\$139.74)
2. One staff for the duration of event 8 hours from 9am – 5pm for litter control and service public restrooms. Overtime rate at \$46.58 total \$372.64
3. 2 hours for final inspection Storm Water Compliance Inspection for Special Event Report and litter clean up. Overtime rate at \$46.58 per hour (\$93.16)
4. The event organizers must provide night time security on Friday June 12th.
5. Event organizer did not request the City Stage and PA.
6. No Jumper are allowed at Kimball Park.
7. Total expense for event \$ 605.54

Staff Recommendation on Denial of Inflatable Air Jumps

Inflatable air jumps are not specifically addressed in the municipal code. They are addressed by our departmental policies. Generally, inflatable jumps are allowed only at Las Palmas Park, with an approved application, and the appropriate insurance coverage. Thus, an inflatable air-jump could be allowed by approval of the City Council. Any such approval, however, should still require the appropriate insurance coverage, hold harmless, and indemnity provisions. Staff recommendation for denial is reflective of current department policy where inflatables are currently allowed only at Las Palmas Park.

Facilities Division

Overtime hrs. Electrician - 10hrs x \$36.75= \$ 367.50

Electrician will be installing all electrical cords and hook up the concession stands. Electrician will be monitoring electrical throughout the event.

POLICE

Request for extra patrol will be made for this event and will look into the availability of Police Reserves. Security staff mentioned seems adequate for this event.

FIRE (619) 336-4550

Request Meeting With Organizers Prior To Event

\$200.00 After Hour Inspection Fee

Stipulations required by the Fire Department for this event are as follows:

- 1) Access to the street to be maintained at all times, to both entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 2) Fire Department access into and through the booth areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Please provide emergency access to rear of Faire
- 3) Fire Hydrants shall not be blocked or obstructed.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Provide a 2A:10BC fire extinguisher at the stage. Extinguishers to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. Maximum travel distance from an extinguisher shall not be more than 75 feet travel distance.
- 7) Provide 2A:10BC fire extinguishers in all food areas. Extinguisher to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. If grease or oil is used in cooking, a 40:BC or class "K" fire extinguisher will be required. Please contact the National City Fire Department for direction on K type extinguisher. Maximum travel distance from one extinguisher to another shall not be more than 75 feet travel distance. All fire extinguishers to have a current State Fire Marshal Tag attached. Please see attached example
- 8) If tents or canopies are used, tents having an area in excess of 200 square feet and or canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. A ten feet separation distance must be maintained between tents and canopies. A permit from the Fire

Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet "State Fire Marshal approval for cooking. Approval from the National City Fire Department is required to cook under tents or canopies. Please contact the National City Fire Department for direction.***

Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$250.00
501 – 600 sf -	\$300.00
601 – 700 sf -	\$400.00

Tents:

0 –200 sf -	\$200.00
201 – (+) sf -	\$400.00

- 9) **Please contact the National City Fire Department for direction on placement of tents or canopies**
- 10) If Charcoal is being used, provide metal cans with lids and label "HOT COALS ONLY" for used charcoal disposal.
- 11) No parked vehicles or internal combustion engines (generator) are to be placed within 20 feet of tent/canopy. Internal combustion power sources that may be used shall be of adequate capacity to permit uninterrupted operation during normal operating hours.
- 12) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure.
- 13) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only.
- 14) First Aid will be provided by organization
- 15) South parking lot next to Boys and Girls Club shall maintain a minimum of a 20 foot roadway to allow for emergency apparatus access. Please contact the National City Fire Department for direction.
- 16) Required inspections taking place, after hours, holidays, and weekends will be assessed a minimum of two hundred (\$200.00) dollars
- 17) A fire safety inspection is required for this event and is to be conducted by the Fire Department prior to operations of the event to include all food areas etc. **\$200.00**

- 18) Fees must be paid to the Fire Department Administration Office prior to event occurrence.
- 19) Map shall consider "Fire Lane" required for event. Contact City of National City Parks Division for requirements.

The following page(s) contain the backup material for Agenda Item: Presentation of AB 243, discussion of the recent state adopted legislation providing for state regulation of the cultivation of marijuana (AB 243) unless there is a local ordinance prohibiting or regulating cultivation in effect prior to March 1, 2016, wh

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 1, 2015

AGENDA ITEM NO. |

ITEM TITLE:

Presentation of AB 243, discussion of the recent state adopted legislation providing for state regulation of the cultivation of marijuana (AB 243) unless there is a local ordinance prohibiting or regulating cultivation in effect prior to March 1, 2016, whether the City Council as a policy decision seeks to prohibit or regulate the cultivation, and seeking direction to staff regarding a potential cultivation ordinance (regulation or prohibition). (Planning)

PREPARED BY: Ray Pe and Claudia Silva 

DEPARTMENT: Planning, City Attorney

PHONE: Ext. 4421 and 4222

APPROVED BY: _____

EXPLANATION:

The state legislature recently adopted the Medical Marijuana Regulations and Safety Act. The Act is comprised of three different bills; AB 266 which establishes dual licensing; AB 243 which establishes a regulatory and licensing structure for cultivation; and, SB 643 which establishes criteria for licensing of medical marijuana businesses. Of these three bills, AB 243 has a pressing deadline requiring cities to take action if they want to retain local land use control over cultivation. Staff will provide an overview of the legislation, including the impending deadline. Currently, the City prohibits medical marijuana dispensaries in the Land Use Code. The decision of whether to allow cultivation is a policy decision which has not been before the City Council. Direction is being sought from the City Council regarding its policy direction regarding this matter. There are no ordinances for the City Council's consideration at this time, as that will follow the Government Code process for adopting land use ordinances, which requires published notices, public hearings, and a recommendation from the Planning Commission upon its review of proposed ordinance(s).

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

Not applicable.

ENVIRONMENTAL REVIEW:

This activity is not a project as defined in Section 15378 of the California Code of Regulations; therefore, no further action is required under the California Environmental Quality Act.

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Provide direction to staff.

BOARD / COMMISSION RECOMMENDATION:

[Not applicable.]

ATTACHMENTS:

1. Planning Commission agenda packet for November 23, 2015



Item no. **2**
November 23, 2015

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – AN AMENDMENT TO TITLE 18 (ZONING) CHAPTER 18.30.340 OF THE NATIONAL CITY MUNICIPAL CODE (MEDICAL MARIJUANA DISPENSARIES) TO ADDRESS CULTIVATION OF MARIJUANA.

Case File No.: 2015-25 A

Location: Citywide

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: City-initiated

Environmental review: Not a project under CEQA (no physical change)

Staff recommendation: Recommend approval of an Amendment prohibiting marijuana cultivation

Background

The City is seeking an amendment to the Municipal Code in order to address the cultivation of marijuana. The amendment is needed in order to respond to recent changes in state law scheduled to take effect in 2016.

Previous Action

The Planning Commission initiated a Municipal Code Amendment to address marijuana cultivation at their regular meeting of November 2, 2015. The Commission asked staff

to return with options for both the regulation and prohibition of medical marijuana cultivation. Although staff had originally suggested an amendment covering deliveries of marijuana and mobile marijuana dispensaries in addition to cultivation, the Commission chose to initiate an amendment that only addresses marijuana cultivation at this time (see discussion related to AB 243 below).

History

On October 9, 2015, Governor Brown approved *The Medical Marijuana Regulation and Safety Act* (The Act), which establishes comprehensive, statewide licensure and regulations for commercial medical marijuana activity that respect local control, protect patients, promote public safety, and preserve the environment. The Act is comprised of three separate bills: Senate Bill 643 (McGuire), Assembly Bill 266 (Bonta, Cooley, Lackey and Jones-Sawyer), and Assembly Bill 243 (Wood). Only AB 243 and AB 266 affect local regulations. In general, AB 243 relates to medical marijuana cultivation; and, AB 266 relates to deliveries and mobile dispensaries. AB 243 has the pressing deadline of March 1, 2016, which is driving the current timeline.

Proposal

The general purpose of the amendment is to amend the chapter to address the cultivation of medical marijuana and marijuana generally (Cultivation); including, but not limited to, regulating and/or prohibiting such land use activities. The recommendation of staff to amend the code to prohibit cultivation is predicated upon existing code language that prohibits medical marijuana dispensaries and that cultivation is not a permitted use. The City's Land Use Code is based upon permissive zoning, which means only enumerated uses are allowed uses. The proposed prohibition is consistent with the City Council's prior adoption of section 18.30.340 (Medical Marijuana Dispensaries – prohibited).

Analysis

Assembly Bill 243 (AB 243) will require immediate attention from local governments if they wish to prohibit or continue to prohibit certain activities related to medical marijuana, including the cultivation of medical marijuana. The Land Use Code currently prohibits Medical Marijuana Dispensaries under section 18.30.340. Cultivation is not expressly prohibited. AB 243 requires the City to have a prohibition ordinance in place by *March 1, 2016*. If not enacted by this date, the City will lose its local land use authority to regulate or ban cultivation. The full text of AB 243 is attached for your review.

The Land Use Code is a "permissive zoning" code. This means that uses not expressly permitted are prohibited. Accordingly, cultivation is not currently allowed in National City

as it is not specifically permitted by the Land Use Code. However, in order to ensure clarity in the light of recent enactment of *The Act*, and affirmatively retain local land use control on this issue, the Code should be updated to be specific as to the prohibition or regulation of cultivation.

Other jurisdictions

Of the eighteen cities in the County of San Diego, only the City of San Diego permits marijuana cultivation. The City of San Marcos recently approved the introduction of an ordinance that would prohibit the cultivation, delivery and sale of medical marijuana. The City of Vista is amending their Development Code to continue for its operation as a permissive zoning code, which would continue to prohibit the cultivation of marijuana (and other uses) being that the use is not expressly permitted.

The City of San Diego permits the cultivation of medicinal marijuana either by a licensed Medical Marijuana Consumer Cooperative, by Qualified Patients, or by Primary Caregivers, the latter two of which are defined as follows [in the San Diego Municipal Code]:

Primary caregiver means the individual designated by the *qualified patient* who has consistently assumed responsibility for the housing, health, or safety of the *qualified patient*, in accordance with state law, including California Health and Safety Code section 11362.5. As explained in *People v. Mentch*, 45 Cal. 4th 274 (2008), a *primary caregiver* is a person who consistently provides caregiving to a *qualified patient*, independent of any assistance in taking medical *marijuana*, at or before the time he or she assumed responsibility for assisting with medical *marijuana*.

Qualified patient means a California resident having the right to obtain and use *marijuana* for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of *marijuana* in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which *marijuana* provides relief in accordance with state law, including California Health and Safety Code section 11362.5.

Option for prohibition

Staff is recommending prohibition of marijuana cultivation for the following reasons:

- There is insufficient time to research, analyze, and prepare an Ordinance establishing a regulatory scheme based on the City of San Diego's Ordinance before the March 1, 2016 deadline.
- City Council adopted the Land Use Code with a specific ban of medical marijuana dispensaries and the proposed prohibition of cultivation is consistent with the Land Use Code.
- Adopting a prohibition of cultivation does not prevent the City from subsequently adopting cultivation regulations, but failing to adopt a prohibition will prevent the City from retaining local land use control, thereby relinquishing local land use to the State in this area.
- Regulation of marijuana cultivation is not consistent with the General Plan (see below)
- The Police Department is firmly opposed to medical marijuana and associated activities in the City for the following reasons:
 - Research conducted by the National City Police Department through the DEA concludes that marijuana is a dangerous addictive drug that poses significant health threats to users; marijuana has no medical value that can't be met more effectively by legal drugs; marijuana users are far more likely to use other drugs like cocaine and heroin than non-marijuana users; and proponents of legalizing marijuana use of "medical marijuana" as a red herring in an effort to advocate broader legalization of drug use.

Additional information provided by the Police Department has been attached, including descriptions of Scheduled Controlled Substances per the Controlled Substances Act (CSA), and documented public safety issues from other jurisdictions that allow marijuana cultivation. Some of the documented impacts associated with cultivation include:

- Gun violence associated with robberies or attempted robberies of marijuana plants.
- Increase in traffic accidents and fatalities involving persons under the influence of marijuana.
- Environmental impacts caused by pollutant discharge from growing operations.

The amendment prohibiting cultivation is intended to apply to all marijuana products, medical or otherwise, in order to capture possible regulation changes in the future. It is important to note that a prohibition of cultivation today does not mean that cultivation can never be permitted in the future. A subsequent amendment of the Land Use Code may

occur at a later time to address cultivation. This would also allow staff to adequately research, analyze, and prepare an Ordinance for review by the Planning Commission and City Council.

Option for regulation

If the Commission chooses to amend the Code to regulate the cultivation of marijuana, staff recommends using the City of San Diego municipal code as a framework. Staff has not had sufficient time, however, to adequately analyze that ordinance. The code sections (Article 2: Health Regulated Businesses and Activities, Division 13: Medical Marijuana Regulations: Patients and Caregivers & Division 15: Medical Marijuana Consumer Cooperatives) are attached for your review and would be used to create language regulating cultivation. That language would be forwarded to the City Council for inclusion into an ordinance, should they choose to take the path of regulation rather than prohibition. While staff is recommending prohibition at this time, regulation would still be possible in the future.

General Plan consistency

The purpose of the Health and Environmental Justice Element of the General Plan is to identify public health risks and environmental justice concerns and improve living conditions to foster the physical health and well-being of National City's residents. Based on the information from the Police Department that marijuana poses significant health threats to users and cultivation is accompanied by increased criminal activity, regulating cultivation would not be consistent with the General Plan.

California Environmental Quality Act

The proposed Amendment has been reviewed in compliance with the California Environmental Quality Act. Staff has determined that the proposed use is exempt from CEQA under section 15061(b)(3) – general rule. The general rule states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Cultivation is currently not a permitted use and this Code Amendment affirms that marijuana cultivation is prohibited. It can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment; the activity is not subject to CEQA.

Summary

Due to the short notice provided by the State, there is not enough time to fully capture and analyze the issues resulting from regulating cultivation in the City. The Commission showed interest in the City benefiting from additional revenue streams associated with permitting cultivation. Monetary policy and taxation are matters of City Council policy. It is important to point out that a prohibition of cultivation does not mean that it cannot be

permitted in the future, pending a subsequent amendment of the Land Use Code. Due to the short timeframe needed to fully vet the information for a regulatory scheme and still have an Ordinance in place before March 1, 2016, staff is recommending that the Commission amend the Municipal Code to prohibit marijuana cultivation.

OPTIONS

1. Recommend approval of the Amendment to Section 18.30.340 of the Land Use Code, prohibiting marijuana cultivation, based on the attached findings; or
2. Recommend approval of the Amendment to Section 18.30.340 of the Land Use Code, regulating marijuana cultivation, based on the attached findings/findings to be made by the Planning Commission; or
3. Recommend denial of the Amendment to Section 18.30.340 of the Land Use Code, based on findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Approval of an amendment prohibiting marijuana cultivation.
2. Assembly Bill 243
3. Existing Land Use Code Chapter 18.30.340 – Medical Marijuana Dispensaries.
4. Proposed Land Use Code Chapter 18.30.340 – Medical Marijuana Dispensaries (prohibition of cultivation)
5. City of San Diego Municipal Code – Article 2: Health Regulated Businesses and Activities, Division 13: Medical Marijuana Regulations: Patients and Caregivers
6. City of San Diego Municipal Code – Article 2: Health Regulated Businesses and Activities, Division 15: Medical Marijuana Consumer Cooperatives
7. Controlled Substances Act definitions and documented public safety issues related to marijuana cultivation (Police)
8. Public Notice (published in the San Diego Union-Tribune, not mailed)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL OF
AN AMENDMENT TO TITLE 18 (ZONING)
CHAPTER 18.30.340 OF THE NATIONAL CITY MUNICIPAL CODE
(MEDICAL MARIJUANA DISPENSARIES)
TO PROHIBIT CULTIVATION OF MEDICAL MARIJUANA
AND MARIJUANA GENERALLY.
CASE FILE 2015-25 A

1. That the proposed amendment is in the public interest because it retains local land use authority by the City; and local land use should remain with the City, because the City should retain its legislative function to determine what uses are most appropriate within its jurisdiction.
2. The compressed time frame from the State of California to enact an ordinance so that the City can continue local land use control over cultivation does not provide sufficient time to fully research and analyze the issues regarding allowing cultivation in the City; and prohibition of cultivation preserves local land use control while allowing for a subsequent amendment establishing regulation over cultivation at a later date, if so desired.
3. That the proposed amendment is in the public interest because marijuana cultivation in other California jurisdictions has resulted in impacts such as increased gun violence, robberies, traffic accidents/fatalities, and environmental impacts caused by pollutant discharge from growing operations, which would pose significant health threats to National City residents.
4. That the proposed amendment is in the public interest and is consistent with General Plan policy, because the purpose of the Health and Environmental Justice Element of the General Plan is to identify public health risks and environmental justice concerns and improve living conditions to foster the physical health and well-being of National City's residents, and because the Police Department has concluded that marijuana poses significant health threats to users.
5. That the proposed amendment has been reviewed to be in compliance with the California Environmental Quality Act (CEQA), because it has been determined that the proposed use is exempt from CEQA under section 15061(b)(3) – general rule. The project is not considered a project under CEQA; there is no possibility that the activity in question may have a significant impact on the environment. Cultivation is currently not a permitted use and this Code Amendment affirms that marijuana cultivation is prohibited.



California LEGISLATIVE INFORMATION

AB-243 Medical marijuana. (2015-2016)

Assembly Bill No. 243

CHAPTER 688

An act to add Article 6 (commencing with Section 19331), Article 13 (commencing with Section 19350), and Article 17 (commencing with Section 19360) to Chapter 3.5 of Division 8 of the Business and Professions Code, to add Section 12029 to the Fish and Game Code, to add Sections 11362.769 and 11362.777 to the Health and Safety Code, and to add Section 13276 to the Water Code, relating to medical marijuana, and making an appropriation therefor.

[Approved by Governor October 09, 2015. Filed with Secretary of State
October 09, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 243, Wood. Medical marijuana.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment. By requiring cities, counties, and their local law enforcement agencies to coordinate with state agencies to enforce laws addressing the environmental impacts of medical marijuana cultivation, and by including medical marijuana within the Sherman Act, the bill would impose a state-mandated local program.

This bill would require a state licensing authority to charge each licensee under the act a licensure and renewal fee, as applicable, and would further require the deposit of those collected fees into an account specific to that licensing authority in the Medical Marijuana Regulation and Safety Act Fund, which this bill would establish. This bill would impose certain fines and civil penalties for specified violations of the Medical Marijuana Regulation and Safety Act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account, which this bill would establish within the fund. Moneys in the fund and each account of the fund would be available upon appropriation of the Legislature.

This bill would authorize the Director of Finance to provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund of up to \$10,000,000, and would appropriate \$10,000,000 from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the

activities of the bureau.

This bill would provide that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would become operative only if AB 266 and SB 643 of the 2015–16 Regular Session are enacted and take effect on or before January 1, 2016.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the

Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

~~19338.~~ An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

SEC. 2. Article 13 (commencing with Section 19350) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 13. Funding

19350. Each licensing authority shall establish a scale of application, licensing, and renewal fees, based upon the cost of enforcing this chapter, as follows:

(a) Each licensing authority shall charge each licensee a licensure and renewal fee, as applicable. The licensure and renewal fee shall be calculated to cover the costs of administering this chapter. The licensure fee may vary depending upon the varying costs associated with administering the various regulatory requirements of this chapter as they relate to the nature and scope of the different licensure activities, including, but not limited to, the track and trace program required pursuant to Section 19335, but shall not exceed the reasonable regulatory costs to the licensing authority.

(b) The total fees assessed pursuant to this chapter shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this chapter.

(c) All license fees shall be set on a scaled basis by the licensing authority, dependent on the size of the business.

(d) The licensing authority shall deposit all fees collected in a fee account specific to that licensing authority, to be established in the Medical Marijuana Regulation and Safety Act Fund. Moneys in the licensing authority fee accounts shall be used, upon appropriation of the Legislature, by the designated licensing authority for the administration of this chapter.

19351. (a) The Medical Marijuana Regulation and Safety Act Fund is hereby established within the State Treasury. Moneys in the fund shall be available upon appropriation by the Legislature. Notwithstanding Section 16305.7 of the Government Code, the fund shall include any interest and dividends earned on the moneys in the fund.

(b) (1) Funds for the establishment and support of the regulatory activities pursuant to this chapter shall be advanced as a General Fund or special fund loan, and shall be repaid by the initial proceeds from fees collected pursuant to this chapter or any rule or regulation adopted pursuant to this chapter, by January 1, 2022. Should the initial proceeds from fees not be sufficient to repay the loan, moneys from the Medical Cannabis Fines and Penalties Account shall be made available to the bureau, by appropriation of the Legislature, to repay the loan.

(2) Funds advanced pursuant to this subdivision shall be appropriated to the bureau, which shall distribute the moneys to the appropriate licensing authorities, as necessary to implement the provisions of this chapter.

(3) The Director of Finance may provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund that does not exceed ten million dollars (\$10,000,000).

(c) Except as otherwise provided, all moneys collected pursuant to this chapter as a result of fines or penalties imposed under this chapter shall be deposited directly into the Medical Marijuana Fines and Penalties Account, which is hereby established within the fund, and shall be available, upon appropriation by the Legislature to the bureau, for the purposes of funding the enforcement grant program pursuant to subdivision (d).

(d) (1) The bureau shall establish a grant program to allocate moneys from the Medical Cannabis Fines and Penalties Account to state and local entities for the following purposes:

(A) To assist with medical cannabis regulation and the enforcement of this chapter and other state and local laws applicable to cannabis activities.

(B) For allocation to state and local agencies and law enforcement to remedy the environmental impacts of cannabis cultivation.

(2) The costs of the grant program under this subdivision shall, upon appropriation by the Legislature, be paid for with moneys in the Medical Cannabis Fines and Penalties Account.

(3) The grant program established by this subdivision shall only be implemented after the loan specified in this section is repaid.

19352. The sum of ten million dollars (\$10,000,000) is hereby appropriated from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the activities of the Bureau of Medical Marijuana Regulation. Funds appropriated pursuant to this section shall not include moneys received from fines or penalties.

SEC. 3. Article 17 (commencing with Section 19360) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 17. Penalties and Violations

11360. (a) A person engaging in cannabis activity without a license and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the department, state or local authority, or court may order the destruction of medical cannabis associated with that violation. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the Marijuana Production and Environment Mitigation Fund established pursuant to Section 31013 of the Revenue and Taxation Code.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person or entity engaging in cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

SEC. 4. Section 12029 is added to the Fish and Game Code, to read:

12029. (a) The Legislature finds and declares all of the following:

(1) The environmental impacts associated with marijuana cultivation have increased, and unlawful water diversions for marijuana irrigation have a detrimental effect on fish and wildlife and their habitat, which are held in trust by the state for the benefit of the people of the state.

(2) The remediation of existing marijuana cultivation sites is often complex and the permitting of these sites requires greater department staff time and personnel expenditures. The potential for marijuana cultivation sites to significantly impact the state's fish and wildlife resources requires immediate action on the part of the department's lake and streambed alteration permitting staff.

(b) In order to address unlawful water diversions and other violations of the Fish and Game Code associated with marijuana cultivation, the department shall establish the watershed enforcement program to facilitate the investigation, enforcement, and prosecution of these offenses.

(c) The department, in coordination with the State Water Resources Control Board, shall establish a permanent multiagency task force to address the environmental impacts of marijuana cultivation. The multiagency task force, to the extent feasible and subject to available Resources, shall expand its enforcement efforts on a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on fish and wildlife and their habitats throughout the state.

(d) In order to facilitate the remediation and permitting of marijuana cultivation sites, the department shall adopt regulations to enhance the fees on any entity subject to Section 1602 for marijuana cultivation sites that require remediation. The fee schedule established pursuant to this subdivision shall not exceed the fee limits in Section 1609.

SEC. 5. Section 11362.769 is added to the Health and Safety Code, to read:

11362.769. Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of Fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

SEC. 6. Section 11362.777 is added to the Health and Safety Code, to read:

11362.777. (a) The Department of Food and Agriculture shall establish a Medical Cannabis Cultivation Program to be administered by the secretary, except as specified in subdivision (c), shall administer this section as it pertains to the cultivation of medical marijuana. For purposes of this section and Chapter 3.5 (commencing with Section 19300) of the Business and Professions Code, medical cannabis is an agricultural product.

(b) (1) A person or entity shall not cultivate medical marijuana without first obtaining both of the following:

(A) A license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(B) A state license issued by the department pursuant to this section.

(2) A person or entity shall not submit an application for a state license issued by the department pursuant to this section unless that person or entity has received a license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(3) A person or entity shall not submit an application for a state license issued by the department pursuant to this section if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning.

(c) (1) Except as otherwise specified in this subdivision, and without limiting any other local regulation, a city, county, or city and county, through its current or future land use regulations or ordinance, may issue or deny a permit to cultivate medical marijuana pursuant to this section. A city, county, or city and county may inspect the intended cultivation site for suitability prior to issuing a permit. After the city, county, or city and county has approved a permit, the applicant shall apply for a state medical marijuana cultivation license from the department. A locally issued cultivation permit shall only become active upon licensing by the department and receiving final local approval. A person shall not cultivate medical marijuana prior to obtaining both a permit from the city, county, or city and county and a state medical marijuana cultivation license from the department.

(2) A city, county, or city and county that issues or denies conditional licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(3) A city, county, or city and county's locally issued conditional permit requirements must be at least as stringent as the department's state licensing requirements.

(4) If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

(d) (1) The secretary may prescribe, adopt, and enforce regulations relating to the implementation, administration, and enforcement of this part, including, but not limited to, applicant requirements, collections, reporting, refunds, and appeals.

(2) The secretary may prescribe, adopt, and enforce any emergency regulations as necessary to implement this part. Any emergency regulation prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(3) The secretary may enter into a cooperative agreement with a county agricultural commissioner to carry out the provisions of this chapter, including, but not limited to, administration, investigations, inspections, licensing and assistance pertaining to the cultivation of medical marijuana. Compensation under the cooperative agreement shall be paid from assessments and fees collected and deposited pursuant to this chapter and shall provide reimbursement to the county agricultural commissioner for associated costs.

(e) (1) The department, in consultation with, but not limited to, the Bureau of Medical Marijuana Regulation, the State Water Resources Control Board, and the Department of Fish and Wildlife, shall implement a unique identification program for medical marijuana. In implementing the program, the department shall consider issues, including, but not limited to, water use and environmental impacts. In implementing the program, the department shall ensure that:

(A) Individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(B) Cultivation will not negatively impact springs, riparian wetlands, and aquatic habitats.

(2) The department shall establish a program for the identification of permitted medical marijuana plants at a cultivation site during the cultivation period. The unique identifier shall be attached at the base of each plant. A unique identifier, such as, but not limited to, a zip tie, shall be issued for each medical marijuana plant.

(A) Unique identifiers will only be issued to those persons appropriately licensed by this section.

(B) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 19335 of the Business and Professions Code.

(C) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each medical marijuana plant.

(D) The department may promulgate regulations to implement this section.

(3) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.

(f) (1) A city, county, or city and county that issues or denies licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(2) Unique identifiers and associated identifying information administered by a city or county shall adhere to the requirements set by the department and be the equivalent to those administered by the department.

(g) This section does not apply to a qualified patient cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity. This section does not apply to a primary caregiver cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765. For purposes of this section, the area used to cultivate marijuana shall be measured by the aggregate area of vegetative growth of live marijuana plants on the premises. Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from regulating or banning the cultivation, storage, manufacture, transport, provision, or other activity by the exempt person, or impair the enforcement of that regulation or ban.

SEC. 7. Section 13276 is added to the Water Code, to read:

13276. (a) The multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by marijuana cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on water quality and on fish and wildlife throughout the state.

(b) Each regional board shall, and the State Water Resources Control Board may, address discharges of waste resulting from medical marijuana cultivation and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, each regional board shall include conditions to address items that include, but are not limited to, all of the following:

- (1) Site development and maintenance, erosion control, and drainage features.
- (2) Stream crossing installation and maintenance.
- (3) Riparian and wetland protection and management.
- (4) Soil disposal.
- (5) Water storage and use.
- (6) Irrigation runoff.
- (7) Fertilizers and soil.
- (8) Pesticides and herbicides.
- (9) Petroleum products and other chemicals.
- (10) Cultivation-related waste.
- (11) Refuse and human waste.
- (12) Cleanup, restoration, and mitigation.

SEC. 8. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 10. This measure shall become operative only if both Assembly Bill 266 and Senate Bill 643 of the 2015–16 Regular Session are enacted and become operative.

The following page(s) contain the backup material for Agenda Item: Recognition of Fiscal Year 2016 Adopted Budget Cover Photo Contest Winner: Dora Gallegos.
(Finance)

ITEM #

12-1-15

**RECOGNITION OF FISCAL YEAR 2016 ADOPTED
BUDGET COVER PHOTO CONTEST WINNER:
DORA GALLEGOS
(FINANCE)**

CALIFORNIA
NATIONAL CITY
1887
INCORPORATED



**FISCAL YEAR 2016
ADOPTED BUDGET**

The following page(s) contain the backup material for Agenda Item: Update on Improvements to National City Library, Council Chambers, and Large Conference Room. (Engineering/Public Works)

Item ____

12/1/15

UPDATE ON IMPROVEMENTS TO NATIONAL CITY LIBRARY, COUNCIL CHAMBERS,
AND LARGE CONFERENCE ROOM.

(ENGINEERING/PUBLIC WORKS)

The following page(s) contain the backup material for Agenda Item: Update on interim skate park location at Las Palmas Park. (Community Services)

ITEM #

12-1-15

**UPDATE ON INTERIM SKATE PARK LOCATION
AT LAS PALMAS PARK**

(COMMUNITY SERVICES)

The following page(s) contain the backup material for Agenda Item: 2015 Holiday Closure and Employee Work Furlough. (Human Resources)

ITEM #
12-1-15

**2015 HOLIDAY CLOSURE AND
EMPLOYEE WORK FURLOUGH
(HUMAN RESOURCES)**